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DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume XI
Part III
1852 - 1853

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Published under the direction of the
Centre d'Etude du Québec
and the
Centre de recherche en histoire économique du Canada français

General Editor
Elizabeth Gibbs

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ASSEMBLY OF
UNITED CANADA

Volume XI, Part III
1852 - 1853

Edited by
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CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE DU CANADA FRANCAIS
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The publication of the Debates of the Legislative Assembly of United Canada is an undertaking of the Centre de recherche en histoire économique du Canada français. This Volume has been published with the help of a grant from the Canadian Federation for the Humanities and the Social Science Federation of Canada, using funds provided by the Social Sciences and Humanities Research Council of Canada.

*Centre de recherche en histoire économique du Canada français

INTRODUCTION TO VOLUME XI, PART III

There is a common Subject Index for the sessions 1852 and 1853. In order to avoid duplication, this Index will follow the final volume of the 1853 session although it also refers to the 1852 session.

Lists of newspapers consulted and of Executive Councillors and Their Positions for 1852 are to be found in Volume XI, Part I. The tables which preface Volume XI, Part III, apply only to 1853.

Not included in the list of newspapers are two pamphlets which were used as sources for the reconstruction of the debates of 1853: Address at the Bar of the Legislative Assembly of Canada delivered on the 11th and 14th March, 1853, on behalf of Certain Proprietors of Seigniories ... by Christopher Dunkin, M.A. Advocate (Quebec: Morning Chronicle, 1853); and Débats dans l'assemblée législative sur la tenure seigneuriale (Québec: E.R. Fréchette, 1853). The first of these was later printed serially in the MORNING CHRONICLE from the same type; the second was printed from the same type as an earlier serial publication in LE CANADIEN. In each case the pamphlet has been preferred to the newspaper because it is easier to read.

The final form of this manuscript was typed by Manon St. Cyr. Beth McAuley prepared the Subject Index. Johanne Ostiguy also assisted in the production of this volume. The following pages are a testimony to their careful labour and patience.

| Newspaper | Setting, District | Language | Political Orientation | Special M.P.'s | Completeness of Paper on Microfilm | Weekly Distribution | Average Number of Columns of Debates per Issue | Completeness of Reports on Debates | Person Reported In | Originality of References | Extent to which Debates are Reported |
|----------------------------------|-------------------------|----------|-----------------------|----------------|------------------------------------|---|--|---|--------------------|---|--------------------------------------|
| BRITISH COLONIST | Toronto, Home, U.C. | English | Conservative | - | Very | Twice: Tuesday, Friday | 2 - 3 | Good Reports, some good commentary | Third | Usually copied Morning Chronicle, but some original | Occasional |
| BRITISH WHIG | Kingston, Midland, U.C. | English | Conservative | - | Very | Daily | 1 - 2 | Good | Third | Usually copied from L.C. English papers | Regularly 1 column |
| EXAMINER | Toronto, U.C. | English | Liberal | - | Very | Weekly: Wednesday | 3 - 4 | Mostly telegraph reports | Third | Telegraph; some copied from L.C. English papers | Rarely |
| GLOBE | Toronto, U.C. | English | Liberal Opposition | George Brown | Very, but often nearly illegible | Three times: Tuesday, Thursday, Saturday | 6 - 7 | Excellent | First, Third | Original | Rarely |
| HAMILTON SPECTATOR (DAILY) | Hamilton, U.C. | English | Conservative | - | Very | Daily | 1 - 3 | Good; some useful commentary | Third | Copied from L.C. English papers, usually Morning Chronicle | Rarely |
| HAMILTON SPECTATOR (SEMI-WEEKLY) | Hamilton, U.C. | English | Conservative | - | Very | Twice: Wednesday, Saturday | 3 - 5 | Good; some useful commentary | Third | Hamilton Spectator (Daily); some independent reporting and commentary | Rarely |
| HAMILTON SPECTATOR (WEEKLY) | Hamilton, U.C. | English | Conservative | - | Very | Weekly: Thursday | 3 - 4 | Good | Third | Hamilton Spectator (Daily); some independent reporting and commentary | Rarely |
| LE JOURNAL DE QUEBEC | Quebec, L.C. | French | Liberal Opposition | Joseph Cauchon | Very | Three times: Tuesday, Thursday, Saturday | 3 - 4 | Reports sometimes excellent but often marred by interspersed commentary | First, Third | Many original; some condensed from English Quebec papers | Rarely |
| LA MINERVE | Montreal, L.C. | French | Liberal | - | Very | Three times: Tuesday, Thursday, Saturday | 3 - 4 | Good reports, but seldom original; commentary interspersed | First, Third | Condensed from L.C. English papers, or copied from French papers; some original | Rarely |
| MONTREAL GAZETTE | Montreal, L.C. | English | Conservative | - | Very | Three times: Monday, Wednesday, Friday. Daily after 2 May | 2 - 3 | Good. Little commentary | Third | Usually Morning Chronicle or Quebec Gazette | Rarely |
| MORNING CHRONICLE | Quebec, L.C. | English | Conservative | - | Very | Three times: Monday, Wednesday, Friday. Daily after 2 May | 3 - 4 | Excellent | Third | Original | Exceedingly rare |
| NORTH AMERICAN (SEMI-WEEKLY) | Toronto, U.C. | English | Liberal | - | Very | Twice: Tuesday, Friday | 2 - 3 | Good | Third | Copied from L.C. English papers | Very rare |
| NORTH AMERICAN (WEEKLY) | Toronto, U.C. | English | (Government) Liberal | - | Very | Weekly: Thursday | 4 - 5 | Good | Third | Copied from L.C. English papers | Very rare |
| PILOT | Montreal, L.C. | English | (Government) Liberal | - | Some issues missing | Three times: Tuesday, Thursday, Saturday. Daily after 2 May | 1 - 2 | Fair | Third | Some original. Many copied from other L.C. English papers | Very rare |

EXECUTIVE COUNCILLORS
AND THEIR POSITIONS

FOURTH PARLIAMENT - SECOND SESSION - SECOND PART
14 FEBRUARY 1853 - 14 JUNE 1853

| | |
|---|--------------------------------|
| CAMERON, Malcolm | |
| Member of the Executive Council: | 28 Oct. 1851 to 10 Sept. 1854 |
| President of the Executive Council: | 28 Oct. 1851 to 16 Aug. 1853 |
| CARON, René Edouard ¹ | |
| Member of the Executive Council: | 28 Oct. 1851 to 14 Aug. 1853 |
| Member of the Legislative Council: | 9 June 1841 to 16 March 1857 |
| Speaker of the Legislative Council: | 11 March 1848 to 14 Aug. 1853 |
| CHABOT, Jean | |
| Member of the Executive Council: | 23 Sept. 1852 to 26 Jan. 1855 |
| Chief Commissioner of Public Works: | 23 Sept. 1852 to 26 Jan. 1855 |
| Member of the Board of Railway Commissioners: | 23 Sept. 1852 to 26 Jan. 1855 |
| DRUMMOND, Lewis Thomas | |
| Member of the Executive Council: | 28 Oct. 1851 to 23 May 1856 |
| Attorney General, L.C.: | 28 Oct. 1851 to 23 May 1856 |
| HINCKS, Francis | |
| Member of the Executive Council: | 11 March 1848 to 10 Sept. 1854 |
| Inspector General: | 11 March 1848 to 10 Sept. 1854 |
| Member of the Board of Railway Commissioners: | 30 Aug. 1851 to 10 Sept. 1854 |
| MORIN, Augustin Norbert | |
| Member of the Executive Council: | 28 Oct. 1851 to 26 Jan. 1855 |
| Provincial Secretary: | 28 Oct. 1851 to 30 Aug. 1853 |
| MORRIS, James | |
| Member of the Executive Council: | 22 Feb. 1851 to 10 Sept. 1854 |
| Postmaster General: | 22 Feb. 1851 to 16 Aug. 1853 |
| Member of the Board of Railway Commissioners: | 30 Aug. 1851 to 16 Aug. 1853 |
| RICHARDS, William Buell | |
| Member of the Executive Council: | 28 Oct. 1851 to 21 June 1853 |
| Attorney General, U.C.: | 28 Oct. 1851 to 21 June 1853 |
| ROLPH, John | |
| Member of the Executive Council: | 28 Oct. 1851 to 10 Sept. 1854 |
| Commissioner of Crown Lands: | 28 Oct. 1851 to 30 Aug. 1853 |
| TACHE, Etienne Paschal | |
| Member of the Executive Council: | 11 March 1848 to 25 Nov. 1857 |
| Receiver General: | 27 Nov. 1849 to 23 May 1856 |
| Member of the Board of Railway Commissioners: | 30 Aug. 1851 to 23 May 1856 |

1. CARON only held a seat in the Legislative Council, not in the Assembly.

MONDAY, 14 FEBRUARY 1853.¹

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MR. SPEAKER acquainted the House that the Clerk of this House had received from the Clerk of the Crown in Chancery a Certificate of the Return of Timothy Lee Terrill, Esquire, for the County of Stanstead, in the room and place of Hazard Bailey Terrill, Esquire, deceased.

And the said Certificate was read; and is as followeth:--

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Quebec, 3rd December, 1852.

This is to certify, that in virtue of a Writ of Election, dated the third day of November last past, issued by His Excellency the Governor General, and directed to the Registrar of the County of Stanstead, (Charles A. Richardson, Esquire,) Returning Officer *ex officio* for the said County of Stanstead, for the election of one Member to represent the said County of Stanstead in the present Parliament, in the room and place of the late Hazard Bailey Terrill, Esquire, who, since his Election and return to serve as the Representative of the said County of Stanstead, had departed this life, by means whereof the seat of the said late Hazard Bailey Terrill, as Representative of the said County of Stanstead, had become vacant, Timothy Lee Terrill, Esquire, has been returned as duly elected accordingly, as appears by the Return to the said Writ, dated the twenty-third day of November last past, which is now lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To Wm. B. Lindsay, Esquire,
Clerk of the Legislative Assembly.

The Serjeant-at-Arms attending this House, informed the House, that he had taken Louis Lacoste, Esquire, into his custody.

Whereupon Mr. Lemieux stated, that he was desired by Mr. Lacoste to express his sorrow for the inconvenience he has caused the House and the Parties by his absence, on account of severe illness, from the Committee appointed to try the matter of the Kamouraska Election Petition.

On motion of Mr. Lemieux, seconded by Mr. Malloch,
Ordered, That Louis Lacoste, Esquire, be discharged out of custody.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Cameron,--Two Petitions of the Municipal Council of the United Counties of Huron, Perth, and Bruce.

By Mr. Brown,--The Petition of Anthony Ribble and others; the Petition of the Reverend Thomas Green and others, of Wellington Square and vicinity; the Petition of D. S. Miller and others; the Petition of Andrew Wilson and others,

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of Cumminsville and its vicinity; and the Petition of the Reverend Robert G. Minton and others, of the Free Church Congregation of St. Louis de Gonzague.

By Mr. Tessier,--The Petition of J. P. Déry and others, of the Parish of St. Raymond, Seignior of Bourg-Louis, County of Portneuf.

By Mr. Solicitor General Chauveau,--The Petition of E. Rousseau and others, of St. Roch's and St. John's Suburbs, in the City of Quebec.

By Mr. Ridout,--The Petition of the Consumer's Gas Company of the City of Toronto.

Pursuant to the Order of the day, the following Petitions were read:--

Of Patrick Loughry and others; and of William King and others, of the Township of Bristol, County of Ottawa; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the St. Lawrence Canals.

Of the Municipal Council of the County of Simcoe; praying that the By-Law of the said Council authorizing the investment of the sum of £50,000 in the Ontario, Simcoe, and Huron Union Railroad may be declared valid.

Of Serafino Giraldi, Tavern-keeper, and others, of the City of Montreal; praying for the reimbursement of a certain sum of money paid by them for their Licenses in the year 1851.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That Louis Lacoste and Edward Short, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee, from the 10th to the 17th November last inclusive; that, on the 18th of November, the Committee were officially informed, by Letter from the Provincial Secretary, that Edward Short, Esquire, had been appointed one of the Judges of the Superior Court of Lower Canada, and not considering him any longer a Member of the House or of the Committee, they adjourned till this day; and also, that Ovide LeBlanc, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.²

MR. R. CHRISTIE, of Gaspé, moved a resolution with the view of relieving Mr. Leblanc from the consequences of his non-attendance at the select committee, appointed to try the validity of the Kamouraska election, the ground of the excuse being that his sister had met with an accident--an affidavit to that effect being presented.³

MR. INSP. GEN. HINCKS strongly opposed the resolution--condemning the grounds of excuse as being absurd and frivolous in the extreme. He spoke also of other members who had been ballotted to serve on the election committees, and who had grossly neglected their duties.⁴

MR. PROV. SEC. MORIN spoke to the same effect⁵.

MR. R. CHRISTIE ... stated that he did not intend by his resolution to exculpate Mr. Leblanc from all blame, but merely to avoid any further delay⁶.

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Mr. Christie of Gaspé moved, seconded by Mr. Valois, and the Question being put, That Ovide LeBlanc, Esquire, for special cause shewn and verified upon oath, to wit, by reason of his inability to attend in consequence of illness in his family, be allowed to absent himself from the Select Committee on the Kamouraska Election Petition, and that he be discharged from attending the same; the House divided:--And it passed in the Negative.

Ordered, That Ovide LeBlanc, Esquire, do attend in his place in this House, To-morrow.

Ordered, That Mr. LeBoutillier have leave of absence for four weeks, from this day, on urgent private business.

Mr. Stuart, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, informed the House, That George E. Cartier, James Smith, John White, and John Langton, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee, on the 18th November last,

and that George E. Cartier, James Smith, and John Langton, Esquires, were not present within one hour after the time appointed for the meeting of the Committee, this day.⁷

MR. STUART, on behalf of the election committee, stated that the committee had met this morning and had further adjourned till to-morrow morning, and he moved that certain members of the committee who had not attended its meetings be ordered to attend to-morrow.⁸

A short discussion arose between MR. GAMBLE and MR. AT. GEN. RICHARDS as to whether the committee had power to adjourn over till this session, but finally the question was dropped and the resolution was carried.⁹

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Ordered, That George E. Cartier, John White, John Langton, and James Smith, Esquires, do attend in their place in this House, To-morrow.

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On motion of the Honorable Mr. Hincks, seconded by Mr. Solicitor General Chauveau,

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the election of a Member to serve in this present Parliament for the Town of Sherbrooke, in the room of Edward Short, Esquire, who, since his Election, hath accepted office as one of the Judges of the Superior Court of Lower Canada.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency, the Governor General,--Return to an Address from the Legislative Assembly, of the 3rd of September last, praying for a Statement of the Imports and Exports with the Lower Provinces; the sums paid for Timber in certain Counties, and Vessels built therein and therein constructed and loaded.

For the said Return, see Appendix (O.O.O.)

Return to an Address from the Legislative Assembly of the 30th September last, praying for copies of all Correspondence between the Government and other Parties, relative to the Commutation of the Seignior of Vaudreuil.

For the said Return, see Appendix (P.P.P.)

Return to an Address of the Legislative Assembly, of the 3rd of November last, praying for a Statement of Tonnage Dues for the support of the Marine Hospital, and a Return shewing the number [of] Seamen admitted, and the annual cost of their maintenance.

By Command,

Secretary's Office,

A.N. Morin, Secretary.

Quebec, 14th February, 1853.

Statement of Tonnage Dues paid annually by the Shipping for the Support of the Marine Hospital since it was built; also, of the Annual Cost for maintaining the Seamen admitted into the Establishment.

| Tonnage Duties. | Amount | | |
|------------------------------------|-----------|----|----|
| | Currency. | | |
| | £ | s. | d. |
| Net Amount of Duties in 1836 | 1264 | 4 | 0 |
| do of do 1837 | 1364 | 4 | 10 |
| do of do 1838 | 1316 | 5 | 4 |

| Tonnage Duties. | | | | Amount | | |
|---|--|--|--|-----------|----|----|
| | | | | Currency. | | |
| | | | | £ | s. | d. |
| Net Amount of Duties in 1839 | | | | 1417 | 2 | 3 |
| do of do 1840 | | | | 1706 | 11 | 3 |
| do of do 1841 | | | | 1684 | 2 | 4 |
| do of do 1842 | | | | 1151 | 2 | 10 |
| do of do 1843 | | | | 1719 | 6 | 11 |
| do of do 1844 | | | | 1732 | 16 | 6 |
| do of do 1845 | | | | 2186 | 16 | 4 |
| do of do 1846 | | | | 2152 | 0 | 6 |
| do of do 1847 | | | | 1819 | 14 | 5 |
| do of do 1848 | | | | 1658 | 7 | 10 |
| do of do 1849 | | | | 1764 | 2 | 4 |
| do of do 1850 | | | | 1742 | 6 | 7 |
| do of do 1851 | | | | 1994 | 16 | 4 |
| Total, Tonnage Duties <u>Carried over</u>£ | | | | 26674 | 0 | 7 |

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| Tonnage Dues. | | | | Amount | | |
|--|--|--|--|-----------|----|----|
| | | | | Currency. | | |
| | | | | £ | s. | d. |
| <u>Brought over</u> | | | | 26674 | 0 | 7 |
| In addition to the above, there was voted in the Estimates for 1846, to make up the deficiency of the Fund of the Hospital in 1845, caused by the admission therein of an extra number of Shipwrecked Seamen | | | | £217 | 17 | 9 |
| Vote in Estimate for 1849 to make up deficiency of Fund for 1847 and 1848 | | | | 505 | 10 | 1 |
| And to cover expenses of cases of distress admitted into the Hospital, in 1848 | | | | 56 | 1 | 3 |
| | | | | 779 | 11 | 1 |
| £ | | | | 27453 | 11 | 8 |

NOTE.--The Tonnage Duty for 1852, is.....£1870 10 0
The Payments for Sick Seamen admitted in Hospital..... 2056 15 4
A Balance of £597 13s. 9d. remains still unpaid.

| Expenditure. | | | | Amount | | |
|------------------------|--|--|--|-----------|----|----|
| | | | | Currency. | | |
| | | | | £ | s. | d. |
| In the year 1836 | | | | 1264 | 4 | 0 |
| do 1837 | | | | 1364 | 4 | 10 |
| do 1838 | | | | 1316 | 5 | 4 |
| do 1839 | | | | 1417 | 2 | 3 |

| Expenditure. | | Amount Currency. | | |
|--|-----------|---------------------|-------|-----|
| | | £ | s. | d. |
| In the years 1840 and 1841 | | 3774 | 11 | 7 |
| do 1842 | | 1650 | 0 | 0 |
| do 1843 | | 1950 | 0 | 0 |
| do do, For cost of a Building for an Hospital | | 262 | 10 | 0 |
| do 1844 | | 1500 | 0 | 0 |
| do 1845 | | 2000 | 0 | 0 |
| do 1846 | | 1820 | 9 | 11 |
| do 1847 | | 2113 | 10 | 10 |
| do 1848 | | 1602 | 2 | 7 |
| do 1849, Balance of 1848 | £ 299 9 6 | | | |
| do do | 1784 9 0 | | | |
| | | 2083 | 18 | 0 |
| do do To meet expenses attending cases of extreme distress, admitted in 1848 | | 56 | 1 | 3 |
| do 1850 | | 1250 | 0 | 0 |
| do 1851 | | 1250 | 0 | 0 |
| Total, for Payments for Seamen admitted..... | £ | 25675 | 1 | 1 |
| Payments to Commissioners on account of Shipwrecked and Desti- tute Seamen wintering in Quebec:-- | | | | |
| During Winter of 1844 and 1845 | £111 14 4 | | | |
| do 1845 and 1846 | 150 0 0 | | | |
| do 1846 and 1847 | 150 0 0 | | | |
| do 1847 and 1848 | 150 0 0 | | | |
| do 1849 and 1850 | 134 12 3 | | | |
| do 1851 and 1852 | 150 0 0 | | | |
| | | 846 | 6 | 7 |
| Paid for same service made good on Estimate 1847 | £100 0 0 | | | |
| | | £ | 26521 | 7 8 |

Inspector General's Office,
Quebec, 11th January, 1853.

Jos. Cary,
Dy. Insp. General.

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Marine Hospital,
Quebec, 10-14th December, 1852.

Sir,--I have the honor, in answer to your letter of the fifth ultimo, to transmit [to] you a Return of the Sailors annually admitted to the Hospital since the first of January 1853. I am unable to furnish a Return for the previous years, as the Books of the Hospital make no distinction before that date, between Sailors and Emigrants. I must add, that the House Surgeon who furnished me with this Return, has been so much occupied, that he has not been able to prepare it sooner.

I have the honor to be, Sir,
Your most humble Servant,

N. Casault,
S. T. C. M. & E. H.

Etienne Parent, Esquire.

Assistant Provincial Secretary,

&c. &c. &c.

Return shewing the number of Sailors admitted in each year to the Quebec Marine Hospital, from the 1st of January, 1835, to the end of November, 1852.

| Years. | Patients. | Years. | Patients. |
|-----------|-----------|-----------|-----------|
| 1835..... | 104 | 1844..... | 718 |
| 1836..... | 506 | 1845..... | 1035 |
| 1837..... | 471 | 1846..... | 1108 |
| 1838..... | 554 | 1847..... | 1700 |
| 1839..... | 745 | 1848..... | 802 |
| 1840..... | 912 | 1849..... | 834 |
| 1841..... | 897 | 1850..... | 639 |
| 1842..... | 623 | 1851..... | 742 |
| 1843..... | 780 | 1852..... | 682 |

N. Causault [sic],

S. T. C. M. & E. H.

Return to an Address from the Legislative Assembly, of the 14th October last, praying for certain information relative to re-payments on the Quebec Fire Debentures under the Act 9 Vic. cap. 62, and other subsequent Acts amending the same.

For the said Return, see Appendix (Q.Q.Q.)

Supplementary Return to an Address from the Legislative Assembly, of the 20th September last, praying for all documents and certain information respecting improvements to Quebec Harbour.

For the said Supplementary Return, see Appendix (M.M.M.)

Ordered, That the Honorable Mr. Morin have leave to bring in a Bill to provide for the removal of the Registry Office of the County of Terrebonne from the place where it is now kept to a more central position.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the twenty-second instant.

The Order of the day for the House in Committee on the Bill to amend the Law relative to the practice of Physic, Surgery and Midwifery in Lower Canada, being read;

Ordered, That the said Order of the day be postponed until Monday next.

The Order of the day for the second reading of the Bill to abolish the Rectories, being read;

Ordered, That the Bill be read a second time To-morrow.

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Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Malloch, seconded by Mr. Crawford,

The House adjourned.

APPENDIX: 14 FEBRUARY 1853.

[NOTICE OF ADDRESS RE: AGREEMENT BETWEEN GRAND TRUNK RAILWAY AND WILLIAM JACKSON.]¹⁰

MR. BROWN [gave notice that] on Wednesday next [he would move for an] Address to His Excellency, praying that he will cause to be laid before this House, a copy of the agreement entered into by the Directors of the Grand Trunk Railway Company with William Jackson, Esq., and others, for the construction of the said Railway.¹¹

[NOTICE OF QUESTION RE: REDUCTION OF OCEAN POSTAGE.]¹²

MR. ROBINSON [gave notice that] on Friday next [he would make an] Enquiry of [the] Ministry, whether the Government are taking any steps to procure a reduction of the rates of Ocean Postage.¹³

FOOTNOTES: 14 FEBRUARY 1853.

1. GLOBE, 22 February 1853, and EXAMINER, 23 February 1853, in identical accounts, noted that "the House met at 3 P.M., upwards of thirty members being present," and gave the following list of members present, commenting that it "comprises all who are in town:
"Messrs. Brown, Cameron, Cauchon, Chabot, Chauveau, Christie (Gaspé), Christie (Wentworth), Clapham, Crawford, Drummond, Dubord, Gamble, Hartman, Hincks, Jobin, Lacoste, LaTerrière, Laurin, Lemieux, Macdonald (Glengarry), Malloch, Mattice, Morin, Morrison, Murney, Richards, Ridout, Robinson, Rolph, Rose, Shaw, Stuart, Taché, Tessier, Valois, Viger, White."
HAMILTON SPECTATOR DAILY, 25 February 1853, and HAMILTON SPECTATOR WEEKLY, 3 March 1853, copying GLOBE, 24 February 1853, commented as follows in identical accounts: "There was, of course, no parade at the opening--the Speaker merely taking his seat at three o'clock, as usual, while Parliament is in session. The re-assembling excited apparently no interest in this most frigid of cities. A few persons occupied the back rows of the public galleries, and two ladies sat in the Peers' gallery--but not the slightest appearance of public interest was manifested in the event or in the proceedings."
2. The following papers reported the debate on this matter in identical accounts: GLOBE, 22 February 1853, and EXAMINER, 23 February 1853.
3. GLOBE, 22 February 1853.
4. IBID.
5. IBID.
6. IBID.
7. The following papers noted the exchange on this matter in partially identical accounts: GLOBE, 22 February 1853, and EXAMINER, 23 February 1853.
8. GLOBE, 22 February 1853.
9. IBID.
10. The following papers reported this Notice of Address in identical accounts: MORNING CHRONICLE, 16 February 1853, MONTREAL GAZETTE, 21 February 1853, and JOURNAL DE QUEBEC, 15 February 1853. The following papers noted this matter in identical accounts: BRITISH WHIG, 15 February 1853, HAMILTON SPECTATOR DAILY, 15 February 1853, and PILOT, 15 February 1853. It was also noted by EXAMINER, 16 February 1853.
11. MORNING CHRONICLE, 16 February 1853.
12. The following papers reported this Notice of Question in identical accounts: MORNING CHRONICLE, 16 February 1853, MONTREAL GAZETTE, 21 February 1853, and JOURNAL DE QUEBEC, 15 February 1853. The following papers noted this matter in identical accounts: BRITISH WHIG, 15 February 1853, HAMILTON SPECTATOR DAILY, 15 February 1853, and PILOT, 15 February 1853. It was also noted by EXAMINER, 16 February 1853.
13. MORNING CHRONICLE, 16 February 1853.

TUESDAY, 15 FEBRUARY 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Hartman,--The Petition of John Boyd and others, of the Township of Georgina.

By Mr. Lacoste,--The Petition of Pierre Roy, Esquire, and others, of the Parish of Ste. Marguerite de Blairfindie, called L'Acadie.

By Mr. Cauchon,--The Petition of the Reverend L. Aubry and others, of the Parish of St. Léon, County of St. Maurice.

By Mr. Laurin,--The Petition of Pierre Voyer, of the City of Quebec.

By Mr. White,--The Petition of the Municipality of the Township of Trafalgar.

By Mr. Christie of Wentworth,--The Petition of the Municipal Council of the United Counties of Wentworth and Halton; and the Petition of the President and Directors of the Gore District Mutual Fire Insurance Company.

Mr. White, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, informed the House, That George E. Cartier, John Langton, and James Smith, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee, this day.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That Ovide LeBlanc, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That Mr. Laurin have leave to bring in a Bill to amend the Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, with respect to Summary Convictions and Orders.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Order of the House of yesterday, for the attendance of Ovide LeBlanc, Esquire, in his place in this House, this day, being read:--And Mr. LeBlanc not attending in his place;

On motion of Mr. Lemieux,¹ seconded by Mr. Malloch,

Ordered, That the 84th Section of "The Election Petitions' Act of 1851" be now read:--And the same being read;

Ordered, That Ovide LeBlanc, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, and not having been present within one hour after the time appointed for the meeting of

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the Committee, yesterday, and this day, and not having attended in his place in the House this day, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Order of the House of yesterday, for the attendance of George E. Cartier, John White, John Langton, and James Smith, Esquires, in their places in this House, this day, being read:--And Mr. Cartier, Mr. Langton, and Mr. Smith not attending in their places,--and Mr. White attending in his place;

Ordered, That the 84th Section of "The Election Petitions' Act of 1851" be now read:--And the same being read;

Ordered, That George E. Cartier, John Langton, and James Smith, Esquires,

being Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, and not having been present within one hour after the time appointed for the meeting of the Committee, yesterday, and this day, and not having attended in their places in the House this day, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

Ordered, That John White, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, and not having been present within one hour after the time appointed for the meeting of the Committee, on the eighteenth of November last, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Order of the day for resuming the further consideration of the allegations contained in the Petition of Joseph Cauchon, Esquire, Member for the County of Montmorency, against Louis Célestin Lefrançois, Esquire, Registrar, and Returning Officer at the late Election for the said County, for the examination of Witnesses, and the hearing of Counsel at the Bar of this House, on the part of Mr. Lefrançois, being read;

Mr. Christie of Gaspé moved, seconded by Mr. Malloch, and the Question being put, That the said Order of the day be postponed till Monday next, and be then the first Order of the day; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Burnham, Cameron, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Crawford, Attorney General Drummond, Dubord, Fortier, Gamble, Hincks, Lacoste, LaTerrière, Laurin, Lemieux, Malloch, Mattice, McDougall, Morin, Morrison, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Seymour, Shaw, Turcotte, Valois, Viger, and Wright of East Riding of YORK.--(32.)

NAYS.

Messieurs Cauchon, Chapais, Jobin, Murphy, Stevenson, and Tessier.--(6.)
So it was resolved in the Affirmative.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

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And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

Elgin and Kincardine,

The Governor General transmits for the information of the Legislative Assembly, copies of Despatches from Her Majesty's Principal Secretary of State for the Colonies enumerated in the accompanying Schedule.

Government House.

Quebec, 14th February, 1853.

Schedule of Despatches accompanying the Governor General's Message of the
14th February, 1853.

No. 79.--29th Oct., 1852.--Contribution of Books to the Legislative Library.

Military.--No. 14.--30th October, 1852.--In reply to Joint Address on the subject of Medals to the Militia of Canada.

No. 90.--2nd December, 1852.--In reply to Joint Address on Reciprocity with Foreign Nations.

No. 2.--15th January, 1853.--On the subject of the Clergy Reserves.
(Copy.)--No. 79.

Downing Street, 29th October, 1852.

My Lord,--Referring to Your Lordship's Despatch of the 4th November last, requesting that assistance might be given to Mr. Faribault, the Gentleman deputed by a Joint Committee of the Legislative Council and Assembly of Canada, to proceed to this Country for the purpose of procuring Books for a new Legislative Library, I have to acquaint Your Lordship that Her Majesty's Government have had much pleasure in affording all the facilities in their power both to Mr. Faribault and to Mr. Wicksteed, his successor, in enabling them to execute the object of their mission, and I have now to inform Your Lordship that, in addition to the Books which have already been supplied to Mr. Wicksteed from this and other Departments of the Government, Twenty-two volumes of State Papers, compiled in the Department of the Secretary of State for Foreign Affairs, have been forwarded to Mr. Rich, of Tavistock Street, London, (the Agent appointed by Mr. Wicksteed,) for transmission to Canada.

I have to request Your Lordship to present these Volumes to the two Legislative Bodies of Canada, as a further contribution from Her Majesty's Government to the Library they are forming.

I have, &c.

(Signed,) John S. Pakington.

The Right Honorable

The Earl of Elgin and Kincardine,
&c. &c. &c.

(Copy.)--Military, No. 14.

Downing Street, 30th October, 1852.

My Lord,--I have laid before the Queen, your Despatch, No. 96, of the 8th October, with the Address therein enclosed, from Her Majesty's dutiful and loyal Subjects, the Legislative Council and Commons of Canada in Provincial Parliament assembled, praying that Medals may be conferred upon the survivors of the Canadian Militia who were present at the various Engagements during the late War with the United States, which are not enumerated in the General Order of the 1st June, 1847.

I have it in command to acquaint you, that Her Majesty was pleased to re-

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ceive the said Address very graciously. But I have, at the same time, to state that Her Majesty's Government have felt it to be impossible to advise Her Majesty to accede to the prayer submitted to Her.

Attaching, as Her Majesty's Government do, the weight which is due to all recommendations of the Parliament of Canada upon the affairs of the Province, they would be glad on that account, as well as from their high sense of the gallantry of the Militia who distinguished themselves in the Engagements referred to, to advise the manifestation of any proof of the Queen's sense of the services of the Militia, which would not be inconsistent with the regulations under which it was found necessary to distribute the War-Medals among the various branches of the Military service of the Crown. After full and anxious consideration, and on the advice of the highest Military authority, a line of distinction was drawn with respect to all the Actions in which the Military and Naval Forces of the Crown had been engaged in all parts of the world; and to that line, which was unavoidably applied to the Actions fought by the Troops in Canada with the Forces of the United States, Her Majesty's Government think it now necessary to adhere, although doubtless many gallant

officers and men may in this, as in other similar cases, have felt mortified that they did not come within the prescribed rules.

I have, &c.

(Signed,) John S. Pakington.

The Right Honorable

The Earl of Elgin and Kincardine,
&c. &c. &c.

(Copy.)--No. 90.

Downing Street, 2nd December, 1852.

My Lord,--I have the honor to acknowledge the receipt of Your Lordship's Despatch No. 105, of the 5th ultimo, transmitting an Address to the Queen from the Legislative Council and Assembly of Canada on the subject of Reciprocity with Foreign Nations.

I have laid this Address before Her Majesty, who was pleased to receive it very graciously.

I have, &c.

(Signed,) John S. Pakington.

The Right Honorable

The Earl of Elgin and Kincardine, K.T.,
&c. &c. &c.

(Copy.)--No. 2.

Downing Street, 15th January, 1853.

My Lord,--I have the honor to acknowledge Your Despatch of the 22nd of September last, addressed to my predecessor, and forwarding an Address to the Queen, from the Commons of Canada in Provincial Parliament assembled, on the subject of the Clergy Reserves.

2. This Address was laid before Her Majesty by my predecessor, and Your Lordship is probably aware from what has recently passed on this subject in the Imperial Parliament, that Her Majesty's late advisers had taken the matters contained in it into their consideration, and were preparing to communicate with you respecting it, when the recent change in the administration interfered with their intentions.

3. In consequence of that event, it became my duty to bring the subject under the attention of my Colleagues at the earliest opportunity. And I have now to inform you that Her Majesty's Government have determined on advising Her Majesty to accede to the prayer of that Address.

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4. In arriving at this decision, they have felt it their duty to keep out of view the question whether or not any alteration is at present desirable in the mode of appropriating the fund derived from those Reserves, established by the 3 and 4 Vic. cap. 78. They do not deny that they share in the regret expressed by Lord Grey, in his Despatch of January 27th, 1851, that any desire should be entertained to disturb a settlement devised with a view to reconcile conflicting interests and feelings, and which, it was hoped, might have accomplished that object. But they are fully satisfied that no such sentiments of regret would justify the Government of Parliament of this Country in withholding from the Canadian people, through their Representatives, the right of dealing as they may think proper with matters of strictly domestic interests.

5. That such was to a great extent the view originally entertained by the British Parliament of this question, appears evident from the provisions of the original Constitutional Act of 31 Geo. 3, by which a wide discretion was left to the then Canadian Legislature to alter or repeal its provisions. That liberty it was thought proper, in framing the Act of 1840, to withdraw; but in

restoring it, Her Majesty's Government are but reverting to those general principles of policy which were recognized in 1791, in this instance, and which have been habitually adopted and adhered to in others: principles on which alone they conceive that the Government of Canada can or ought to be conducted, and by the maintenance of which they believe that those sentiments of loyalty to the Crown and attachment to the existing connexion with this great Empire, which now animate the Colony, can be most effectually confirmed.

6. They will therefore be prepared to follow the course already indicated by Lord Grey in the Despatch above referred to, namely, to recommend to Parliament to pass an Act giving to the Provincial Legislature authority to make, subject to the preservation of all existing interests, such alterations as they may think fit in the present arrangements respecting the Clergy Reserves. Her Majesty's Government are induced to make this reservation solely from those considerations of justice which they rejoice to find so fully recognized in the Addresses which have been from time to time presented to the Crown.

7. The language of these Addresses are such as to give every ground for confidence that the powers to be thus given to the Provincial Parliament will be exercised with caution and forbearance towards the feelings and interests of all classes in those two great Districts which are now happily united under the single Legislature and Government of Canada. But I must repeat that it is not from a reliance on this confident anticipation, however strongly they may entertain it, that Her Majesty's Government have come to their present decision, but because they are satisfied on more general principles, that the Parliament of Canada, and not the Parliament of the United Kingdom, is the body to which the functions of legislation on this subject must for the public advantage be committed.

8. You will take an early opportunity for communicating the contents of this Despatch to the Legislature.² I have, &c.

(Signed,) Newcastle.

The Right Honorable

The Earl of Elgin and Kincardine,
&c. &c. &c.

MR. INSP. GEN. HINCKS³ congratulated the House and the country generally, upon the broad constitutional views taken of the Clergy Reserve question in the despatch that had just been read, and concluded by moving that two thousand copies be printed for the use of members⁴. He hoped, however they might differ, that the House would agree in desiring that these constitutional sentiments should be distributed throughout the country.⁵

Several numbers of copies [were] mentioned⁶.

MR. INSP. GEN. HINCKS said the utility of printing these documents was of course only to give members an opportunity of paying attention to such persons as they desired to send them to as of course for public purposes the press must be relied upon.⁷

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Ordered, That two thousand copies of the said Message, and accompanying Despatches, be printed for the use of the Members of this House.

The Order of the day for the second reading of the Bill to make better provision touching the expense of maintaining Patients in the Lunatic Asylum in Lower Canada, being read;⁸

MR. PROV. SEC. MORIN moved the second reading of the bill to provide for the support of Lunatic Asylums in Lower Canada. From the hon. member's explanations, we understood that the general scope of the bill was to throw the

support of lunatics upon the several municipalities, with the exception of emigrant lunatics and some other classes.⁹

MR. CAUCHON made some remarks upon the bill; but appeared to have no objection except to comparatively unimportant details¹⁰.

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Morin,

The House adjourned.¹¹

[NOTICE OF MOTION RE: SECOND READINGS OF CHARITABLE CORPORATIONS BILL AND SEIGNIORIAL TENURE BILL.]¹²

MR. AT. GEN. DRUMMOND gave notice of his intention to proceed with the charitable corporations bill on Friday next; and with the seigniorial tenure bill on the 25th¹³. On the latter he stated his willingness, if it were desired, to allow counsel to be heard for the parties interested at the bar.¹⁴ He also stated that he had the day before received from France a copy of a correspondence between the French government and the authorities in the colony¹⁵, which appeared to him entirely to settle the question of the seigniorial tenure, so far as related to the rate of rente¹⁶, which it was intended should be charged¹⁷, and this exactly in the sense for which he had always contended.¹⁸

[NOTICE OF MOTION RE: CALL OF THE HOUSE ON REPRESENTATION BILL.]¹⁹

MR. PROV. SEC. MORIN.--Je donne avis que, demain, je proposerai qu'il soit fait un appel nominal de la chambre²⁰, on Tuesday, the first day of March next, for the purpose of taking into consideration the bill to increase the representation of the United Provinces.²¹

[NOTICE OF MOTION RE: APPROPRIATION FROM JESUITS' ESTATE FUND FOR SCHOOL INSPECTORS AND ESTABLISHMENT OF NORMAL SCHOOLS.]²²

MR. PROV. SEC. MORIN.--Je donne avis que, lorsque le comité général siégera sur l'appropriation de la balance du fonds des écoles, je proposerai les résolutions suivantes:

1. Qu'il est expédient de définir par une loi, le montant qui devrait être approprié à même le fonds des biens des Jésuites, pour les années 1852 et 1853, pour subvenir à la rémunération des inspecteurs d'école dans le Bas-Canada, et pour l'établissement et l'entretien d'écoles normales; la balance nécessaire pour tels services étant prise sur la balance non dépensée ou non réclamée du fonds des écoles pour le Bas-Canada, tel que prescrit par l'acte de la 14e et 15e Victoria, chapitre 57.²³

2. Que le dit montant, à même le fonds des biens des Jésuites, soit fixé à la somme de deux mille[s] louis courant, pour chacune des dites années.

3. Qu'il est expédient d'approprier, à même le dit fonds des biens des Jésuites, comme placement au taux de cinq pour cent par année, depuis le premier jour de janvier 1853, une somme n'excédant pas quatre mille cinq cents louis courant, pour l'achat d'un terrain et de bâtisse pour une école normale à Montréal; et une autre somme n'excédant pas cinq cents louis courant pour les réparations qu'il sera nécessaire d'y faire; l'intérêt comme susdit, à être payé en termes semi-annuels versés dans le dit fonds, à même la dite balance non dépensée ou non réclamée du fonds des écoles communes du Bas-Canada, comme première charge sur ce fonds, et à même tous les deniers qui pourront par la suite être appropriés par la loi en faveur de la dite école normale.²⁴

[NOTICE OF MOTION RE: APPROPRIATION FOR SCHOOL HOUSES AND PARISH AND TOWNSHIP LIBRARIES.]²⁵

MR. PROV. SEC. MORIN.--Je donne avis que, dans la [sic] même comité, je proposerai d'amender l'appropriation de £3,500 courant, comme une aide pour la construction des maisons d'école, de manière à autoriser d'en dépenser la somme de £400²⁶ [OR] a sum not exceeding £500 currency²⁷, comme une aide pour l'établissement de bibliothèques de paroisse et de township.²⁸

[NOTICE OF MOTION RE: DISQUALIFICATION OF SEIGNEURS AS JUDGES IN CASES INVOLVING RIGHTS OF SEIGNEURS.]

MR. LEMIEUX [donna avis que] vendredi prochain, le 18 courant [il] fera motion pour permission d'introduire un bill intitulé: "Bill pour permettre de récuser les juges qui sont seigneurs, dans les causes où il est question de droits seigneuriaux."²⁹

[NOTICE OF QUESTION RE: NEW GOVERNMENT HOUSE IN TORONTO.]³⁰

MR. RIDOUT gave notice that he would on Tuesday next enquire of the Ministry whether the Government are taking any steps, and the nature thereof, towards the erection of a new Government House at Toronto, in accordance with the appropriation made by the Legislature during a former session for that purpose; also, for the accommodation of the Public Departments on their approaching removal to the seat of Government in Western Canada.³¹

FOOTNOTES: 15 FEBRUARY 1853.

1. The following papers reported that "Messrs. Leblanc, Cartier, White, Langton, and Smith" were ordered to be taken into custody "on motion of Mr. Laurin": PILOT, 17 February 1853, and NORTH AMERICAN SEMI-WEEKLY, 18 February 1853.
2. Two separate commentaries on this despatch appeared in GLOBE, 24 February 1853. HAMILTON SPECTATOR DAILY, 25 February 1853, and HAMILTON SPECTATOR WEEKLY, 3 March 1853, contained identical conflation of the two GLOBE commentaries. GLOBE, 24 February 1853, commented as follows in one of its accounts: "It was a rare sight, while the despatch was reading, to observe the faces of the Clear-grits....A load seemed to be taken off their shoulders in a moment--their faces bore the confession that a most lucky combination of circumstances had relieved them from what they felt to be a most inconsistent and distressing position."

GLOBE, 26 February 1853, reported that "the reading of the despatch ... was listened to with the closest attention, and was received with applause from the reform members of the House."
3. The discussion on this matter was reported by MORNING CHRONICLE, 16 February 1853; and GLOBE, 26 February 1853.
4. GLOBE, 26 February 1853.
5. MORNING CHRONICLE, 16 February 1853.
6. IBID.
7. IBID.
8. The exchange on this matter was reported by MORNING CHRONICLE, 16 February 1853. The following papers noted the exchange in identical accounts: BRITISH WHIG, 16 February 1853, HAMILTON SPECTATOR DAILY, 16 February 1853, and PILOT, 17 February 1853. It was also noted by GLOBE, 26 February 1853.
9. MORNING CHRONICLE, 16 February 1853.
10. IBID.
11. GLOBE, 26 February 1853, reported that the House adjourned "after sitting for about an hour."
12. The following papers reported this Notice of Motion in partially identical accounts: BRITISH WHIG, 16 February 1853, HAMILTON SPECTATOR DAILY, 16 February 1853, MORNING CHRONICLE, 16 February 1853, PILOT, 17 February 1853, and NORTH AMERICAN SEMI-WEEKLY, 18 February 1853.
13. MORNING CHRONICLE, 16 February 1853.
14. BRITISH WHIG, 16 February 1853. MORNING CHRONICLE, 16 February 1853, reported Mr. Drummond as "stating that if the parties interested desired to be heard by Council he would not object."
15. BRITISH WHIG, 16 February 1853.
16. MORNING CHRONICLE, 16 February 1853.
17. BRITISH WHIG, 16 February 1853.
18. MORNING CHRONICLE, 16 February 1853.
19. This Notice of Motion was reported by: MORNING CHRONICLE, 16 February 1853; GLOBE, 26 February 1853; and JOURNAL DE QUEBEC, 17 February 1853.
20. JOURNAL DE QUEBEC, 17 February 1853.
21. GLOBE, 26 February 1853.
22. The following papers reported this Notice of Motion in partially identical accounts: GLOBE, 26 February 1853, and JOURNAL DE QUEBEC, 17 February 1853.
23. JOURNAL DE QUEBEC, 17 February 1853. GLOBE, 26 February 1853, reports the resolution as citing "14th and 15th Vic., cap. 97."
24. JOURNAL DE QUEBEC, 17 February 1853.
25. The following papers reported this Notice of Motion in partially identical accounts: GLOBE, 26 February 1853, and JOURNAL DE QUEBEC, 17 February 1853.

26. JOURNAL DE QUEBEC, 17 February 1853.
27. GLOBE, 26 February 1853.
28. JOURNAL DE QUEBEC, 17 February 1853.
29. IBID.
30. The following papers reported this Notice of Question in identical accounts:
GLOBE, 26 February 1853, and JOURNAL DE QUEBEC, 17 February 1853.
31. GLOBE, 26 February 1853.

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TIMOTHY LEE TERRILL, Esquire, Member for the County of Stanstead, having previously taken the Oath according to Law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

Mr. Speaker laid before the House, the Accounts of the Trinity House of Quebec, for the year ending 31st December 1852.

For the said Accounts, see Appendix (D.)

The Serjeant-at-Arms attending this House, informed the House, that he had taken John White, Esquire, into his custody.

Whereupon Mr. Christie of Wentworth stated, that he was desired by Mr. White to express his regret for being absent on the 18th November last, from the Committee appointed to try the matter of the Toronto Election Petition, and to state that such absence was unintentional on his part.

Ordered, That John White, Esquire, be discharged out of custody.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Tessier,--The Petition of Auguste Bourbeau and others, of St. Augustin.

By the Honorable Mr. Morin,--The Petition of the Bar of Lower Canada, Section of the District of Montreal.

By Mr. Ridout,--The Petition of J.H. Lefroy, Esquire, F.R.S., President, and others, Members of the Canadian Institute.

By Mr. White,--The Petition of the Municipality of the Township of Trafalgar; the Petition of Robert Spence, Esquire, Warden, Chairman on behalf of a Public Meeting of the Inhabitants of the County of Halton; and the Petition of J. Young and others, Reeves and Deputy-Reeves of the County of Halton.

By Mr. Jobin,--The Petition of the Reverend N. Kéroack and others, of the Parish of Cap de la Magdelaine, County of Champlain.

By Mr. Morrison,--The Petition of the Town Council of the Town of Niagara.

By Mr. Shaw,--The Petition of John McGill Chambers, of the Township of Montague, in the United Counties of Lanark and Renfrew.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Municipal Council of the United Counties of Huron, Perth and Bruce; praying for certain amendments to the Common School Law.

Of the Municipal Council of the United Counties of Huron, Perth and Bruce;

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praying that the Consolidated Municipal Loan Fund Act may be so amended as to facilitate the proceedings of County Councils with reference thereto.

Of Anthony Ribble and others; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating Liquors.

Of the Reverend Thomas Green and others, of Wellington Square and vicinity; of D.S. Miller and others; of Andrew Wilson and others, of Cumminsville and its vicinity; and of the Reverend Robert G. Minton and others, of the Free Church Congregation of St. Louis de Gonzague; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the St. Lawrence Canals.

Of J.P. Déry and others, of the Parish of St. Raymond, Seignior of Bourg-Louis, County of Portneuf; praying for certain amendments to the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof.

Of E. Rousseau and others, of St. Roch's and St. John's Suburbs, in the City of Quebec; representing that as sufferers by the great Fires in the said

City, they obtained aid by Debentures on which they were obliged to raise money at heavy discount and great loss, and that they are now unable to pay the same, and praying for a remission of the whole or part thereof.

Of the Consumer's Gas Company of the City of Toronto; praying for the passing of an Act to extend the provisions of the Act incorporating the said Company.

Mr. Sicotte, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That Seneca Paige, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That Seneca Paige, Esquire, do attend in his place in this House, To-morrow.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That Ovide LeBlanc, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Mr. White, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, informed the House, That George E. Cartier, John Langton, and James Smith, Esquires, Members of the Committee were not present within one hour after the time appointed for the meeting of the said Committee, this day.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 4th October last, praying His Excellency to cause to be laid before the House, copies of all Reports and enquiries, documents and evidence, on which the payment of £550, mentioned in the Report of the Public Works for 1851, to William Cottingham was made.

For the said Report, see Appendix (R.R.R.)

Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 4th October 1852, for certain information and documents

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respecting the Building erected in the Lower Town of the City of Quebec to be the Custom House.

For the said Return, see Appendix (S.S.S.)

On motion of the Honorable Mr. Morin, seconded by the Honorable Mr. Hincks, Resolved, That a Call of the House be made on Tuesday the first day of March next.

Resolved, That such Members as shall not then attend, be sent for in custody of the Serjeant-at-Arms attending this House.

Ordered, That Mr. Speaker do cause Circular Letters to be written immediately to the absent Members, enclosing to them copies of the present Resolutions, signed by the Clerk of this House.

The Serjeant-at-Arms attending this House, informed the House, that he had taken George E. Cartier, Esquire, into his custody.

Whereupon Mr. Sicotte stated, that he was desired by Mr. Cartier to express his sorrow for the inconvenience he had caused the House and the Parties by his absence, on account of urgent business, from the Committee appointed to try the matter of the Toronto Election Petition.

Ordered, That George E. Cartier, Esquire, be discharged out of custody.

Ordered, That the Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Cameron, seconded by the Honorable Mr. Robinson,

The House adjourned.

[WITHDRAWN MOTION RE: REQUEST FOR COPIES OF THE CONTRACT BETWEEN GRAND TRUNK RAILROAD AND THE CONTRACTORS.]²

MR. BROWN moved that an Address be voted to His Excellency for a copy of the agreement entered into by the Directors of the Grand Trunk Railway, and W. Jackson, Esquire, and³ the contractors⁴, for the construction of the same.⁵

MR. INSP. GEN. HINCKS, with some warmth, spoke against the motion. It was impossible that the contract could be laid before the House when it was not in the hands of the Government, nor were they even aware that any such contract as the one spoken of, had been entered into.⁶ His own impression was that the government would never be asked for a copper for these roads, and⁷ he thought it a very strange thing that the hon. member for Kent should take this particular railroad under his especial protection. The public had not asked for any information respecting the Great Western Railroad, or the St. Lawrence and Atlantic Railroad, in which the country was far more interested than in the Grand Trunk Line, and he could not conceive what was the object of the present resolution. He spoke in severe terms of the alleged misrepresentations that had been made by the enemies of this undertaking respecting the connection it was said to have with the credit of the Province and the price that was to be paid for it, and denied altogether that the country was interested in the slightest degree in the cost of the undertaking, whatever it might be. The Province, he said, paid nothing⁸: the fact was ... that⁹ it had only promised to guarantee the amount of £3,000 per mile¹⁰. If the Province did lend £3000 of public money to the company¹¹, it was to have a first mortgage on the road, with interest at the rate of six per cent., which was the best security that could be had¹², as had been fully admitted even by those who had most opposed the government plan last session.¹³ Many of those who had opposed the undertaking were now compelled to admit its advantages. He did not care how much the stockholders laid out upon their road: the more they expended the better it would be for the Province; he did not know what their agreement was, but one thing he was pretty certain of, that the Grand Trunk Railway Company would not ask for a single penny from the Province, for they could, he thought, get money in England at a much lower rate than six per cent, without being subject to the restrictions that would be imposed upon them if they accepted the Government guarantee, in having directors on the part of the Province. With the view of showing that the proposed cost of the Grand Trunk Railroad was not as exorbitant as many people imagined¹⁴ [and] which had been alleged against this Trunk Road¹⁵, the hon. Inspector General went on to say, that during the recess, an agreement had been entered into by a private company with certain parties in England, to construct a railroad from Hamilton to Toronto, at a much higher price than was talked of for the Grand Trunk Railway. There was, the hon. gentleman continued, a great want of a proper understanding of the real facts of the case, and gave as an instance, that he had received a letter from an intelligent resident of that part of the country which he had the honour to represent, and in which Mr. Brown had been lately holding meetings and making speeches, asking him (Mr. Hincks) what were those Commissioners who had been appointed to represent the Province in the undertaking.¹⁶ Mr. Brown's misrepresentation in Western Canada ... he said, had succeeded effectually in widely deceiving the people who actually thought there was [sic] government commissioners appointed.¹⁷ The hon. gentleman dwelt at some length upon the much greater safety to life and property that would be found on a well constructed railroad such as was proposed, than on one of a less costly nature, instancing the report of the Chief Engineer of the State of New York as a proof of the truth

of his argument, and the statement of that gentleman¹⁸ that the accidents in that State were caused by the roads being constructed too cheaply¹⁹ [and] that it had been better if one hundred thousand dollars per mile had been paid for the roads. He concluded by repeating that he could not conceive what was the cause of the mover of the resolution taking such an interest in the matter when it did not concern the Province at all.²⁰ However when the government got possession of these contracts though he did not see the utility of doing so, he would have no objection to communicate them to the House.²¹

MR. GAMBLE remarked that ... the Government expressed themselves perfectly willing to grant information if it was in their power, but yet it was very seldom obtained²² [and he] doubted if government would show readiness in fulfilling these promises of communicating the information sought for.²³ He thought that it was of the utmost importance that the people of Canada should know what was the true state of this affair. He was not prepared to allow that the security of a first mortgage on this railway would be the best security for the guarantee; for he was by no means assured that the road would pay six per cent interest for a long time to come, and there were no data before the House to show that it would do so. This was a matter in which the greatest caution should have been used, and if this had been done, so much expense would have been saved to the country, for it would have been found that the Province could have made a much better bargain than it had done.²⁴ He contended that the cost of the projected road was altogether too great even for the work to be done, which had been clearly shown by what had taken place in Nova Scotia.²⁵ He was desirous that all proper precautions should be taken to make the road as safe as possible, but he did not consider that there was any necessity for tubular bridges or iron bridges of any kind, as was proposed. They should, he thought, be made of wood, which would be much cheaper, and would add to the value of the productions of the Province, and would be quite durable enough for the present wants of the country.²⁶ There was plenty of wood in the country, which would last our time if properly protected²⁷, but it was not the policy of the Inspector General to promote the value of Canadian produce. His policy, on the contrary was to make everything English of value without reference to the welfare of Canada.²⁸ The people of Canada looked on the road as a job.²⁹ He did not see the necessity for the employment of English capital in the undertaking at all, he thought it could have been done altogether by Canada, and he was quite sure the Inspector General could very easily have devised a scheme by means of a bank of issue for that purpose. He denied that the people of Canada had been deceived in the matter by those who had opposed the measure, least of all by the member for Kent, but rather by the Inspector General himself. He also denied that those members who opposed this undertaking were opposed to the establishment of railroads, but, on the contrary, were strongly in favour of them when they could be made to advantage.³⁰ He thought at any rate that the fullest information ought to be given.³¹

MR. ROBINSON said that he had not heard any such opinions expressed in Upper Canada with regard to this railroad as had been stated by the hon. member for the County of York. On the contrary³², [he] declared that his constituents were all of opinion, not that the road was a job; but that it was a good bargain.³³ He had heard among the people where he had been, particularly in Toronto, an expression in favour of the undertaking and of hope that it might speedily be proceeded with. He had heard it called a job, but only by persons who did not understand the merits of the case, but who, when it was explained to them, expressed themselves in favour of it. If the road was to cost so much, and to have iron bridges and so forth, the expense was not

to be defrayed by the people of Canada, and therefore they had no right to complain. For his own part, he was desirous of allowing the Government a fair opportunity of carrying on the undertaking in the superior manner that the country had a right to expect, and he was perfectly willing to throw the whole responsibility upon them³⁴ for securing the superior kind of road, which was promised³⁵ and if they did not see that the work was properly done, there were other members of the House perfectly competent to express an opinion upon it. Even supposing that the work did not pay, as Mr. Gamble suggested, should it be given up on that account? How long, he asked, had the Welland Canal been in operation without being profitable? and would any one advise that that should be given up? Even if the Province had to be taxed for it, the inhabitants would reap sufficient advantage to be very well able to bear the burden.³⁶

COL. PRINCE said that in the parts of the country in which he had been--in the part of the country that his hon. friend the member for Kent represented, he had heard nothing but satisfaction at³⁷ the advantages to be obtained from the railroad³⁸. The member for York had objected to it, because English capital instead of Canadian was to be made use of; but he was of opinion that without the aid of Mr. Jackson it could never be done, and what difference did it make from whom the money came?³⁹

MR. BROWN said that he had not the least idea when he made the motion before the House, that any debate would arise from it; and if the Inspector General had simply said that he had no papers to produce, he would have withdrawn his motion at once. He thought the matter had been sufficiently discarded already: but a new feature had presented itself in the matter. It was now said⁴⁰, in addition to the terms which had been communicated last session⁴¹, that there is a clause in the agreement with Mr. Jackson, to the effect that the contractor shall be entitled to a larger sum than £10,130 per mile, in case of a rise in the price of iron, which had already taken place⁴². Then referring to the misrepresentation, which had been imputed to him by the Inspector General, he said, it was true that there were no commissioners appointed, as some people might have misunderstood from the discussion which had taken place; but was it not well understood that the persons incorporated by the last session, were merely incorporated to carry out the bargain previously made for them--were in fact the tools of the government? When they met for the first time were they not told that they had nothing to do with the contract? Would the Inspector General deny that? The people of the country did take an interest in the cost of this road⁴³ and he thought that it was a matter of importance that ... [they] should know what this increase of price would amount to. The Inspector General demanded why no information had been asked for respecting the affairs of the St. Lawrence and Atlantic Railroad Company, or of the Great Western Railroad Company, but the reason was very obvious; simply because those undertakings were in the hands of responsible, bona fide⁴⁴ shareholders⁴⁵, who had obtained charters from the Legislature to build their roads with their own money. But in the Jackson affair, the Government made a bargain with the contractor at an enormous price, and the legislature incorporated certain gentlemen, who had no interest whatever in the road, to carry out that high contract and float off stock in the money market. The public were deeply interested in knowing the precise terms of the contract. Not that he (Mr. Brown) wished now to give any factious opposition to the Jackson undertaking. It was now gone into--and he threw the whole responsibility of the transaction on the Government. But the country had a right to know the terms on which the work was to be executed, and that was the object of his motion. The Inspector General had said he did not care how much the road cost, as the capitalists of England, and not the people of Canada, must pay the money. Truly, the capitalists would pay the

principal, but the people of Canada must pay the⁴⁶ interest in the shape of tolls⁴⁷ and that they would soon discover. No one knew better than the Inspector General that the cost of all roads must influence the rate of toll at which they can be run.⁴⁸ It was well known that Nova Scotia was about to build the roads for much less money than ours were to cost.⁴⁹

MR. INSP. GEN. HINCKS.--Hear! hear! At their own expense.⁵⁰

MR. BROWN.--The Inspector General contended that the more money spent the better; that was a very doubtful position--but the grand objection was, in this case, that the money was not to be spent, but that Mr. Jackson was to pocket it. Mr. Hincks was now very much opposed to the government having anything to do with the construction of great public works, but he could not deny that in 1851 he held very different language; he said then that experience showed that the best way to build great national roads was for the government to make and carry them on.⁵¹

MR. INSP. GEN. HINCKS.--No!⁵²

MR. BROWN persisted⁵³: Why the hon. member did not deny that, when I quoted his words at the commencement of the session.⁵⁴ The Inspector General said the prevalence of accidents on railroads in the United States arose from their low costs; he (Mr. Brown) was of opinion that in proportion to the number of travellers, accidents were of just as frequent occurrence in England as in the United States, where the cost of construction is about as pounds to dollars. If expense could secure safety, surely they would have it in England. He was astonished to hear the member for Essex say that we could not build the Grand Trunk line without the aid of Mr. Jackson⁵⁵. He did not think Mr. Jackson was wanted to build the roads as he had not been wanted to build other roads, for instance⁵⁶, how had the Portland, the Great Western, the Northern, the Champlain and St. Lawrence, or any other of the numerous works now in course of construction with which Mr. Jackson had nothing to do, been carried on?⁵⁷ However ... it was a sufficient answer to his motion, that the government had not the contract in their possession.⁵⁸

MR. PRES. EX. COUN. CAMERON said that nothing could be more true than what was said by Mr. Prince, namely, that we could not build the Grand Trunk Railroad without the aid of Mr. Jackson; for by Mr. Jackson he of course supposed was meant English capital. Mr. Brown had spoken of the Great Western Railroad and other Canadian works. Could the Great Western have been built without English capital? could it ever have been made as far as Dundas without it? For years the Great Western Railroad company went on breaking ground and having dinners, but till they received assistance from English capitalists they had not money enough to carry a single barrowful of earth. The Inspector General, by his short visit to England, had so raised the credit of the country that there was now no difficulty in obtaining capital and for this he had gained imperishable fame in this country. What is it that we have been trying to do for years but to induce English capitalists to invest their money among us, and now that we have succeeded, why is all the outcry made. With regard to the Grand Trunk Line, it was untrue that we had incurred any debt to England--the Province had nothing to do with it. The Inspector General had made no agreement with Mr. Jackson; he had merely induced English capitalists to come to this country and lay out their money here. If the Grand Trunk Railway Company wish to extend their capital, he had no doubt but that they would obtain from the Legislature the necessary powers. The only proposition that the Government make is that the company shall have, if they require it, the Government guarantee for £3000 per mile, to secure which the country has a first mortgage on the road, with six per cent. interest. The hon. member for Simcoe, who prop-

erly understands the facts of the case, is in favour of it, and so is every one who knows what the facts really are. The greatest misrepresentations had been circulated throughout the country respecting this work, and falsehoods of every kind had been made use of to prejudice people against it⁵⁹, falsehoods which first excited indignation against the government and then they were discarded, against those who spread them.⁶⁰ The hon. gentleman then went on to speak of the bad effects of a government undertaking any public work, on public account, and said⁶¹ that roads built in the United States by the government were most ruinous, and had given rise to great jobbing⁶² [and] that the United States Government had found that whenever they undertook any public work they invariably lost by them, and he did not think that there was any man in the assembly who would rise and advocate that a public work like the Grand Trunk Railroad should be undertaken by the Government.⁶³ Instead of that the present plan was to allow English capitalists to build a road with their own money, at their own risk.⁶⁴ He again repeated that it was an absolute falsehood that the Government had agreed to pay Jackson, or any one else, £10,000 per mile for making this railroad. They had allowed a private company to build the road at £10,000 per mile, if they chose to pay that for it, and when it was finished⁶⁵, built ... as well as English roads⁶⁶ in the manner required by the English Railway Commissioners, the Province was to lend them their guarantee for £3,000 per mile.⁶⁷

Some words [came] from MR. TURCOTTE, in favour of the main trunk line and the north shore railroad.⁶⁸

MR. INSP. GEN. HINCKS was surprised to hear the hon. member for Kent lay down the doctrine that the dividend on railway stock was always regulated by the first cost of the road. He (Mr. Hincks) believed the mere cost of the road had nothing whatever to do with the matter; and he believed that the Company, whoever they might be, would endeavour to make as much as they could out of the road⁶⁹ [and] would charge the highest price which the circumstances would admit, and these circumstances were independent of the cost and arose from the completion of other roads and the desire to secure business. Restrictions on the profits of roads⁷⁰ that Government might impose would be perfectly useless, as had been found to be the case in the very first railroad that was ever constructed in Lower Canada, the Champlain and St. Lawrence⁷¹ Road....It was well known that the restriction did not keep down prices nor the profit⁷². This Company went on laying out their surplus in building fine steamers and so on, and keeping up their rates in spite of the Government, while the management of their road was notoriously bad about the moment the rival road, called the Montreal and New York, came into operation when an immediate change was preceptible [*sic*].⁷³ There would be plenty of competition⁷⁴, in the instance of the Grand Trunk Railroad⁷⁵, for it was tapped on all hands throughout the Province; and the road would have to carry at the lowest rates charged⁷⁶ [because] if too high rates were imposed, the road would at once lose its business. It was a mistake to suppose that the rates of freight would be regulated by what the best constructed roads would carry, for it would be according to what the worst made could afford, and it was the opinion of the most eminent engineers, that the greater the first cost of a road and the better its construction, the less expense would be afterwards required to carry it on. He (Mr. Hincks) was astonished at the remarks of the honourable member for the county of York, and the inconsistency they displayed. That gentleman said that he had not sufficient confidence in the road to make him believe that it would pay even the interest of six per cent. on the 3,000%. per mile, and yet he would argue that the road should be made altogether by the Province, and that a bank of issue should be established to carry it on. If the Province was to be responsible for the road or to go into partnership with the contractors, then all that had been said about corrup-

tion and jobbing would be correct, but no such arrangements had been made. This road is to be made like any other road, the Government only promising to lend them the Government bonds in exchange for the company's bonds at 6 per cent., but he thought⁷⁷ the contractors⁷⁸ would never ask the Government for their money⁷⁹. He went on to give his reasons for ... [this] opinion ... which were first that they⁸⁰ could get the money at a much lower rate of interest than six per cent.⁸¹ in England, secondly that⁸² the gentlemen who had interested themselves in this road had been treated in this country with such abuse that they would be far more likely to endeavour to get the money in England than⁸³ to be under Provincial control⁸⁴ in this country. Mr. Hincks then went on to explain the cause of his making the remark that railroads were best built as Government works, quoted by Mr. Brown⁸⁵. He could not recollect all the speeches he had made in Parliament; but in the peculiar position in which the question was in 1851⁸⁶, he said it had been made in opposition to Mr. Merritt, and on the supposition that Imperial Government⁸⁷ in England⁸⁸ were going to advance the money at a low rate of interest, holding the Provincial Government responsible for it; and if the Government were entirely responsible, he did not think that⁸⁹ the Province ought ... to make a speculation out of it by lending it to private companies at higher rates of interest, as was that time urged and desired by the hon. member for Lincoln, but [that the Province] ought to construct the roads itself.⁹⁰ But even if the Government had undertaken to build the road he considered that after it was finished it should then be leased to other parties. When the idea⁹¹ that the money would be obtained at a low rate of interest⁹² was first mooted in Upper Canada no man thought that English capitalists would come to make our railroads. With regard to the Nova Scotia railroads about which so much had been said⁹³, he understood that the Nova Scotia roads offered by Messrs. Sykes were to be very inferior to those to be built in Canada, and that there was to be a partnership between the Province of Nova Scotia, and the contractors in the roads when built.⁹⁴ In the plan that he proposed for the Grand Trunk Line in this country⁹⁵, again alleging that the Canadian plan was far cheaper than the Nova Scotian one⁹⁶, he did not think that there was any risk incurred, and again reiterated his statement that the Government had nothing before them whatever upon the subject. Mr. Hincks concluded by ridiculing the conduct of⁹⁷ Mr. Howe⁹⁸ [and] the Nova Scotia Government which threw the whole affair of the railway before the House, acknowledging that they could do nothing, and had done nothing, beyond collecting a mass of papers which they left for the Legislature to do as they pleased with. He could say that no member of his Government would ever place himself in such a position shirking responsibility in such a manner.⁹⁹

MR. BROWN was much amused at the sneers of the Inspector General at Mr. Howe, and his colleagues¹⁰⁰ for throwing his plans before the house without assuming any responsibility!¹⁰¹ He, forsooth, could never shrink from responsibility! Why, Mr. Speaker, was not that the very thing he himself did about this railway? Did¹⁰² the Inspector General¹⁰³ not come back from England and tell us he made no contract with Mr. Jackson--but did not the documents and his conduct before the Railroad Committee prove that he had made a contract to which the Government were bound hand and foot¹⁰⁴ to Mr. Jackson?¹⁰⁵ And after all this, did he not come to this house and say that the Government threw the whole thing up--washed their hands of responsibility altogether? Was not the bill shifted about the house from one member to another, first into the hands of Mr. Cartier, then Mr. Cauchon, and then of some one else, just to avoid this responsibility he now brags of! And the hon. gentleman forgets that there was another Government measure--that relating to the Legislative Council--to alter its constitution--that was thrown down upon the table, a thing of threads and patches for us to mangle as we might think fit! The Government had no peculiar views about it, they did

not care what the property or other qualifications might be, they cared not for the tenure of office,--they cared not what public opinion might be upon the matter--they were ready for anything! Truly the hon. gentleman has a right to throw stones at his neighbours! The hon.¹⁰⁶ Mr. Hincks had declared¹⁰⁷ that when he spoke in favour of Government's having the building and management of railroads, it was when he was opposing a scheme of Mr. Merritt's; but he is very much mistaken. He (Mr. Hincks) laid down that doctrine when he laid before the House his own matured scheme; and he then said that it was found by experience far better that such works should be carried on by the Government. The honourable gentleman must know that when he talks of the superiority of the road that is to be made by Mr. Jackson, that it is not upon the quality of the rolling stock, or of the station houses, or of the wharves, that the excellence of the work depends--for these are the mere luxuries, so to speak, of railroad making. The main thing is to have good grades and proper curves and good iron. Now, from the surveys that have already been made, the exact cost of the excavations, what the grades and curves will be have been exactly estimated and the expense known to a fraction. What may not be precisely known is the cost of ... bridging and rolling stock, and station houses--but this is a secondary matter--does not affect the cheapness or dearness of carrying on the road, and there was nothing before the public to show what amount of these Mr. Jackson is to furnish, or to assure them that this road, when completed, will be any better than the Great Western, or the Portland, or any of the numerous roads now in course of construction. With regard to¹⁰⁸ the word falsehood so frequently repeated by Mr. Cameron¹⁰⁹, he scarcely deserves a reply, but the gentleman uses the word so often that it is perfectly evident he must be well acquainted with its nature. The hon. gentleman's charges rest entirely on the statement that the Government have agreed to give £10,150 per mile, and he says they only give £3000. It is he who misrepresents. Why does he keep talking about £3000 being the amount of the guarantee? Why does he persist in misleading the people by giving the amount in sterling money, when in reality¹¹⁰, with commissions, &c.¹¹¹, it is¹¹² nearly £4000¹¹³ [OR] £4350 currency? But though the Government give Mr. Jackson only this sum of their own money, they in fact give him the balance of the £10,130 [sic]. They make the bargain with them--they endorse the undertaking--they place it before the English capitalists--they are responsible for the amount he gets. He (Mr. Brown) had always admitted that so far as the public exchequer was concerned, the loan to the road was perfectly safe. Yet that was the mere interest of Government; the interest the people have in the undertaking is quite as necessary to be looked to and in that view the bargain appeared a most injurious one. The hon. Inspector General says that he would never have undertaken this road as a Government work, but did he not¹¹⁴, at Halifax, actually¹¹⁵ refuse the offer of Mr. Archibald, expressly on the ground that he would not let the work pass out of the hands of the Government¹¹⁶ and not let it go to a private company?¹¹⁷ The Inspector General made the bargain for this work; the Legislature framed a Bill to carry out that bargain--citizens of Canada were appointed as middlemen to see it executed--a member of the Government is at the head of the scheme and is now in England to float off the stock--the faith of the country is pledged for the fair and genuine character of the scheme--and if the road should not turn out to be a good investment, if all these statements are not realised, so surely will the credit of the country be injured and the Government held responsible, for it will be impossible to separate those acts from those of the Company. It is all very well for the Inspector General to say that the proprietors or stockholders are making the road; it is not so; they are not coming to the country; they take the stock upon a bargain made for them; they take it upon the faith of the endorsement of the Canadian Government. It will not do, then, for us to say that we have nothing to do with it; as a people, we are morally

responsible for the scheme. The Inspector General says that there are ways of avoiding the limits imposed by the government upon the profits of railway companies; but they were not to be dispensed with on that account; they were still of much use; in the State of New York the rates of passage and freight upon the great railroads are settled by the State government¹¹⁸ [who] had cut down the rates of fare on all the roads....Could that be done here, if the cost were allowed to run to an expense enormously too great?¹¹⁹ Upon the Jackson road some such restrictions might be required, but it would be long before the profits on the extravagant cost would justify interference. He doubt[ed] very much if it would be for the good of the country, even if 10,000% per mile were really expended upon this railroad; but what security had the government that such a sum would be expended? The only security that we could have was the alertness of the chief engineer, and who was to discharge this trust on the Trunk Line? Why, Mr. Ross, who came to this country with Mr. Jackson, who was understood to be a probable partner in the contract, and who is certainly under obligations to Mr. Jackson, from whom he is to take delivery of the work.¹²⁰

MR. MARCHILDON gave it as his opinion that the people of Canada did not want railroads.¹²¹

MR. INSP. GEN. HINCKS replied that the Parliament of this Province had agreed to give their guarantee for a certain sum, if the parties choose to ask it, but if they did not there would be no directors appointed on the part of the Province, and there was nothing in the charter to induce people to suppose that they were to exercise their precautions in any other case. All that had been said about the cost of the Great Western, or any other road had nothing whatever to do with the Grand Trunk line, for that was not to be built with the money of the people of this country.¹²² Yet he said that¹²³ the Great Western road, although originally expected to cost but £6000 or £7000 a mile, had already risen in the estimates to £8000 or £9000; and that the low estimate in the first instance, and the great increase of cost were affecting the road so prejudicially in England, that the original stockholders had to come forward and take up all the additional stock this excessive cost rendered necessary, in order to keep the road from sinking below par in the English stock market.¹²⁴ The stock had consequently gone into comparative disrepute.¹²⁵ He further urged, that there was nothing capitalists [*sic*] had so much dislike, if not dread of, as very low estimates for roads; for, he said¹²⁶, it was a very dangerous thing to have under-estimates, for people were then perhaps induced to take stock to a large amount and when they found that the expense of the road was more than they expected, the credit of the stock was at once depreciated.¹²⁷ He urged, too, that badly constructed roads, were greatly more expensive to work, always occasioning accidents which were attended with great cost; always having much less speed, which was a great loss; and perpetually requiring repairs, which were both expensive, and prevented the proper working of the road.¹²⁸ After remarking upon the high standing in England of Messrs. Jackson & Co., as contractors and men of business, and who have never failed in completing anything they have undertaken, the Inspector General alluded to the railroad now under contract between Cobourg and Peterborough, when even in that short distance it was found that the difference in cost between crossing the Rice Lake by embankment in such a manner as to be permanent, and by trestle work, which is known to be very inferior, would amount to £50,000; and the Grand Trunk Railroad, about the cost of which so much was said, was all to be made in this permanent manner--no wood being made use of at all. The hon. gentleman then spoke of the cause of Mr. Jackson's leaving Montreal at the time alluded to by Mr. Brown. He went away then, said Mr. Hincks, because he found that there was a company in Montreal prepared to carry on the work, and therefore

he thought that his money was not needed. It had been said that Mr. Jackson had come down in his price, but he had never done any such thing¹²⁹; he said that Mr. Jackson, in the first instance, wanted the municipalities and private individuals to take the stock in the road; but after he came to this country, and saw the difficulty of getting them to do so, and the various riders which might be attached to their decisions, he waived this view and was willing to take the Government guarantee¹³⁰, the amount of which was at first 4,500¹³¹ [OR] £3,500 a mile for the road. But Mr. Hincks said, that he himself would not agree to this, as he thought £3000 a mile enough; and that Mr. Jackson¹³², finding that there was a strong feeling against guaranteeing this large amount¹³³, finally consented, before the railroad committee, to¹³⁴ take 3,000%, but he never said that he would take less than the price he asked in the first instance.¹³⁵ He denied emphatically that he had ever made an agreement with Mr. Jackson in London to make the road. All he said he did, was to receive a proposition, and to encourage Mr. Jackson and his firm, as he would have encouraged any other English capitalists [sic] to come to this country to make our roads--subject, of course, he said, to the action of the Canadian Legislature, or the legislatures of any of the other colonies where he might take contracts.¹³⁶ At last, Mr. Jackson said ... that he would do all the work himself and ask the Canadians to take nothing at all in it, never supposing that when he made this offer there would be anything more said against the road.¹³⁷

MR. BROWN then, as the papers he wished to obtain were not in the hands of the Government, asked leave to withdraw his motion, saying, that Mr. Hincks, when speaking of the 8,000% to be paid for the Toronto and Hamilton road, should have explained that this was only a conditional proposition made by certain agents in London which had not yet been laid before the Directors in Canada¹³⁸. There was no doubt the price must be cut down¹³⁹ [because] it was very improbable they would accept.¹⁴⁰

FOOTNOTES: 16 FEBRUARY 1853.

1. GLOBE, 24 February 1853, contained the following commentary: "The members continue to arrive slowly. Eight came this morning, but the benches are yet very thinly occupied. Sir Allan Macnab, Mr. Papineau, Mr. Merritt, Mr. John A. Macdonald, Mr. Mackenzie, Mr. Boulton, Mr. Young, Mr. Smith (of Durham,) and Mr. Fergusson, are among the prominent men, who have not yet taken their places. It is not expected that any important business will be taken up before Friday.

"The newspapers from Upper Canada are but scantily represented. The Montreal Herald, and the Toronto Colonist, have two reporters between them, (Messrs. Penny and Lowe,) who will give condensed reports as last session. The Globe has one reporter in the gallery, besides its correspondent, and a second short-hand reporter is expected. The able correspondent of the Patriot is again at his post."

2. The following papers reported the debate on this Withdrawn Motion in identical accounts: MORNING CHRONICLE, 18 February 1853, PILOT, 22 February 1853, MONTREAL GAZETTE, 23 February 1853, HAMILTON SPECTATOR DAILY, 26 February 1853 (which copied from MORNING CHRONICLE), NORTH AMERICAN WEEKLY, 1 March 1853, HAMILTON SPECTATOR WEEKLY, 3 March 1853 (which copied from MORNING CHRONICLE), and NORTH AMERICAN SEMI-WEEKLY, 3 March 1853. The debate was also reported by: GLOBE, 26 February 1853; and BRITISH WHIG, 1 March 1853. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 17 February 1853 (which misdated its account as 14 February 1853), and PILOT, 17 February 1853. BRITISH WHIG, 1 March 1853, also contained a commentary stating that: "Yesterday, as usual, there was absolutely nothing done in the House. A short debate, valueless as it was uncalled for, took place upon a resolution of Mr. Brown's, for the papers relating to the Jackson contract for the Trunk Railroad, strange to say the desultory talk occurred, not upon the application for the papers, but upon a motion for leave to withdraw the original motion for them. Mr. Brown took the opportunity, however, of repeating some of his former charges against Mr. Hincks, and bringing up some new, and, I confess, not very sensible or striking ones. His doing so gave Mr. Hincks an opportunity of explaining; and he did so with more than ordinary good temper, and with a good deal of success.--The charge of Mr. Brown, stripped of extraneous matter, was that Mr. Jackson was to get too much for making the road; and that the public of Canada, no matter whose capital went to build it, would have to pay, in freight and fare, for the expensive cost."

3. GLOBE, 26 February 1853.
4. MORNING CHRONICLE, 18 February 1853.
5. GLOBE, 26 February 1853.
6. IBID.
7. MORNING CHRONICLE, 18 February 1853.
8. GLOBE, 26 February 1853.
9. MORNING CHRONICLE, 18 February 1853.
10. GLOBE, 26 February 1853.
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35. MORNING CHRONICLE, 18 February 1853.
36. GLOBE, 26 February 1853.
37. IBID.
38. MORNING CHRONICLE, 18 February 1853.
39. GLOBE, 26 February 1853.
40. IBID.
41. MORNING CHRONICLE, 18 February 1853.
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48. GLOBE, 26 February 1853.
49. MORNING CHRONICLE, 18 February 1853.
50. IBID.
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80. MORNING CHRONICLE, 18 February 1853.
81. GLOBE, 26 February 1853.
82. MORNING CHRONICLE, 18 February 1853.
83. GLOBE, 26 February 1853. MORNING CHRONICLE, 18 February 1853, added that the gentleman "would not desire to be under Provincial control especially not to the low abuse to which they had been exposed even to ridiculing one gentleman's Lancashire dialect, which however he [Mr. H.] believed was not worse than that of some of the gentlemen who come from other parts of the United Kingdom (laughter)."
84. MORNING CHRONICLE, 18 February 1853.
85. GLOBE, 26 February 1853.
86. MORNING CHRONICLE, 18 February 1853.
87. GLOBE, 26 February 1853.
88. MORNING CHRONICLE, 18 February 1853.
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96. MORNING CHRONICLE, 18 February 1853.
97. GLOBE, 26 February 1853.
98. MORNING CHRONICLE, 18 February 1853.
99. GLOBE, 26 February 1853. BRITISH WHIG, 1 March 1853, commented that:
 "Mr. Hincks most bitterly taunted Mr. Howe and his administration with the mean and sneaking policy, of bringing in a railroad bill, and being afraid to pledge their government to stand or fall by it. He threw over the Seykes [sic] contract, in Nova Scotia, all the damaging ... of a bitter sarcasm, and a sneering suspicion. He urged that no respectable English contractors, of experience, would pledge themselves to build a good road at a ridiculously low price; and no men of character would deliberately undertake to make a bad one. Though Mr. Hincks did not say so, in so many words, he very distinctly indicated, that Nova Scotia and Mr. Howe might have their Sykeses; but that they would find that their ridiculously low estimates for roads of the most difficult construction, would bring them many more difficulties than friends, and much more English ridicule than British capital." The ellipsis represents an illegible word.
100. GLOBE, 26 February 1853.
101. MORNING CHRONICLE, 18 February 1853.
102. GLOBE, 26 February 1853.
103. MORNING CHRONICLE, 18 February 1853.
104. GLOBE, 26 February 1853.
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120. GLOBE, 26 February 1853.
121. MORNING CHRONICLE, 18 February 1853.
122. GLOBE, 26 February 1853.
123. MORNING CHRONICLE, 18 February 1853.
124. BRITISH WHIG, 1 March 1853.
125. MORNING CHRONICLE, 18 February 1853.
126. BRITISH WHIG, 1 March 1853.
127. GLOBE, 26 February 1853.
128. BRITISH WHIG, 1 March 1853.
129. GLOBE, 26 February 1853.
130. BRITISH WHIG, 1 March 1853.
131. GLOBE, 26 February 1853.
132. BRITISH WHIG, 1 March 1853.
133. GLOBE, 26 February 1853.
134. BRITISH WHIG, 1 March 1853.
135. GLOBE, 26 February 1853.
136. BRITISH WHIG, 1 March 1853.
137. GLOBE, 26 February 1853.
138. IBID.
139. MORNING CHRONICLE, 18 February 1853.
140. GLOBE, 26 February 1853.

THURSDAY, 17 FEBRUARY 1853.¹

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Prince,--The Petition of John McLeod and others, of the Town of Amherstburg.

By Mr. Christie of Gaspé,--The Petition of Thomas LePage and others, of the County of Gaspé.

By Mr. Varin,--The Petition of the Reverend L.D. Maréchal and others, of the Village of Napierville.

By Mr. Mattice,--Two Petitions of the Municipal Council of the United Counties of Stormont, Dundas, and Glengary.

By Mr. Morrison,--The Petition of John C. Ball and others, of Niagara.

Pursuant to the Order of the day, the following Petitions were read:--

Of John Boyd and others, of the Township of Georgina; praying that the said Township may be re-united to the County of York.

Of Pierre Roy, Esquire, and others, of the Parish of Ste. Marguerite de Blairfindie, called L'Acadie; praying that the Representation Bill may be so amended as to leave the said Parish as heretofore united to the County of Chambly.

Of the Reverend L. Aubry and others, of the Parish of St. Léon, County of St. Maurice; praying for the passing of an Act to incorporate a Company for the construction of a Railway from Quebec to Montreal on the North Shore of the

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River St. Lawrence, and that the Provincial guarantee may be extended to the said undertaking.

Of Pierre Voyer, of the City of Quebec; representing that certain lands at Palace Harbour, conceded to his father in virtue of a title from Père de Berry, General Superintendent of the Order of Recollets, were taken possession of by the Government, and that the enjoyment thereof is now granted to the Corporation of Quebec, and praying for indemnity or a pension in consideration of the premises.

Of the Municipality of the Township of Trafalgar; praying that the Petition of Alexander McNaughton and others, for the passing of an Act to separate the County of Halton from Wentworth, and to place the County Town at the Village of Milton, may not be granted,--but that in case such separation be made, the selection of the County Town be left to the decision of the Rate-payers of the County.

Of the Municipal Council of the United Counties of Wentworth and Halton; praying for the passing of an Act authorizing them to sell a certain Road in the County of Wentworth, or for a general Act making provision in such cases.

Of the President and Directors of the Gore District Mutual Fire Insurance Company; praying for a certain amendment to their Act of Incorporation.

Mr. Sicotte, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That Seneca Paige, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Mr. Cartier, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, informed the House, That John Langton and James Smith, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee, this day.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That Ovide LeBlanc, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

The Order of the House of yesterday, for the attendance of Seneca Paige, Esquire, in his place in this House, this day, being read:--And Mr. Paige not attending in his place;

Ordered, That the 84th Section of "The Election Petitions' Act of 1851" be now read:--And the same being read;

Ordered, That Seneca Paige, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, and not having been present within one hour after the time appointed for the meeting of the Committee, yesterday, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Order of the day for the House again in Committee to take into consideration certain Resolutions on the Commercial Policy of this Country, being read;

Ordered, That the said Order of the day be postponed until Wednesday next, and be then the first Order of the day.

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The Order of the day for the third reading of the Bill to provide for the care of habitual Drunkards, and the custody and disposal of their effects, being read;

Ordered, That the Bill be read the third time on Thursday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Robinson, seconded by Mr. Prince, The House adjourned.

APPENDIX: 17 FEBRUARY 1853.

[NOTICE OF MOTION RE: MUTUAL INSURANCE COMPANIES.]

MR. D. CHRISTIE, of Wentworth, gave notice that he would, on Monday next, introduce a bill to amend an Act of the Parliament of the late Province of Upper Canada, intituled, "An Act to authorize the establishment of Mutual Insurance Companies in the several Districts of this Province."²

[ANNOUNCEMENT RE: CHAPEL FOR THE USE OF MEMBERS.]³

MR. J.S. MACDONALD the SPEAKER read a communication (from a church warden as the reporter understood,) stating that All Saints' Chapel, in connection with the Anglican cathedral, would be set apart for the use of members on Sundays during the session; and that the Rev. Dr. Adamson would perform the services of the church.⁴

[STATEMENT RE: JACKSON-GRAND TRUNK CONTRACT.]

MR. INSP. GEN. HINCKS declared ... that the Government had not yet been advised of the completion of the Jackson contract.⁵

FOOTNOTES: 17 FEBRUARY 1853.

1. The following papers noted in identical accounts that "the House assembled at three o'clock, but adjourned without transacting any business": MORNING CHRONICLE, 18 February 1853, PILOT, 22 February 1853, MONTREAL GAZETTE, 23 February 1853, HAMILTON SPECTATOR DAILY, 26 February 1853, and HAMILTON SPECTATOR WEEKLY, 3 March 1853. GLOBE, 26 February 1853, commented as follows: "The House met yesterday--but only for a few minutes; a singular langnor [sic] seems to pervade the whole house, and the absence of leading members is but a poor explanation of the general disinclination to go seriously to work. The effect of the climate on the members coming from above is doubtless seen in the matter--and the social relaxations of the city--even in Lent--may have their share in it. The members yet absent from their post are: Messrs. Leblanc, LeBoutillier, McLachlin, Smith of Durham, Smith of Frontenac, Patrick, McKenzie, Sir Allan McNab, John A. McDonald, Paige, Merritt, Fournier, Badgley, Egan, Langton, Johnston, Taché, Lyon, Polette, Boulton, Papineau, Mongenais, Fergusson, Street, Dumoulin and Geo. Wright--in all 25 [sic]. A number of them are expected this morning [18 February 1853], and it is to be hoped that business will now go on in earnest."
2. GLOBE, 1 March 1853.
3. The following papers reported this announcement in identical accounts: MORNING CHRONICLE, 18 February 1853, PILOT, 22 February 1853, MONTREAL GAZETTE, 23 February 1853, HAMILTON SPECTATOR DAILY, 26 February 1853, and HAMILTON SPECTATOR WEEKLY, 3 March 1853.
4. PILOT, 22 February 1853.
5. GLOBE, 26 February 1853, which commented: "It will be remembered how confidently the organs asserted the contrary weeks ago."

FRIDAY, 18 FEBRUARY 1853.

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MR. SPEAKER laid before the House, Statement of the Affairs of the Ontario, Simcoe, and Huron Railroad Union Company.

For the said Statement, see Appendix (I.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Christie of Gaspé,--The Petition of the Quebec Library Association; the Petition of William Henry Ellis and others, Merchants, Traders, and others, carrying on business on the Coast of Labrador; and the Petition of Matthew H. Warren, and others, Merchants, Traders, and others, carrying on trade on the Coast of Labrador.

Pursuant to the Order of the day, the following Petitions were read:--

Of Auguste Bourbeau and others, of St. Augustin; and of the Reverend N. Kéroack and others, of the Parish of Cap de la Magdelaine, County of Champlain; praying for the passing of an Act to incorporate a Company for the construction of a Railway from Quebec to Montreal on the North Shore of the River St. Lawrence, and that the Provincial Guarantee may be extended to the said undertaking.

Of the Bar of Lower Canada, Section of the District of Montreal; praying that the Act 12 Vic. cap. 46, incorporating the said Bar, may be amended, by increasing certain Fees therein mentioned.

Of J.H. Lefroy, Esquire, F.R.S., President, and others, Members of the Canadian Institute; representing that the scientific observations at the Observatory at Toronto are in danger of being discontinued, by reason of the contemplated withdrawal of the Royal Artillery at present stationed there, and praying that the said Observatory may be continued by Provincial authority, by placing it in connection with the Provincial University, or otherwise.

Of J. Young and others, Reeves and Deputy-Reeves, of the County of Halton; praying for the passing of an Act to separate the said County from its present Union with the County of Wentworth.

Of the Municipality of the Township of Trafalgar; praying that should it be deemed expedient to separate the County of Halton from its present Union with the County of Wentworth, the selection of the place of the County Town of the said County of Halton may be left to the Rate-payers thereof.

Of Robert Spence, Esquire, Warden, Chairman on behalf of a Public Meeting of the Inhabitants of the County of Halton; praying for the passing of an Act to separate the said County from its present Union with the County of Wentworth, leaving the selection of the County Town of the said County of Halton to the Rate-payers thereof.

Of the Town Council of the Town of Niagara; representing that the Board of Ordnance in England hold a large quantity of land within the limits of the said

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Town, and that the Corporation thereof are desirous of obtaining the grant of a portion of the said land for purposes of improvement, and praying the adoption of measures for the attainment of that end, or otherwise that they may be empowered to tax the said lands.

Of John McGill Chambers, of the Township of Montague, in the United Counties of Lanark and Renfrew; praying that a competent Deputy Provincial Surveyor may be commissioned to settle permanently the boundary line between the said Township and North Elmsley, at the cost of the Petitioner.

The Honorable Mr. Robinson, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Prince Edward, informed the House, That Thomas C. Street, Esquire, a Member of the Committee, was not present within one hour after the time

appointed for the meeting of the said Committee, this day.

Ordered, That Thomas C. Street, Esquire, do attend in his place in this House, at its next sitting.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That Ovide LeBlanc, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Mr. Sicotte, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That Seneca Paige, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

MR. PROV. SEC. MORIN¹ stated, in reply to the petition of the President and members of the Canadian Institute respecting the proposed removal of the Observatory from Toronto, presented by Mr. Ridout, who proposed referring it to a special committee, that there was no occasion for his so doing as the Government had the matter under consideration, and had had some correspondence with the Ordnance authorities upon the subject, and he also stated that he understood that the University of Toronto would aid the Government in continuing the Observatory. He begged the hon. member not to take any steps that might embarrass the Government who were quite willing to meet his views.²

MR. RIDOUT then moved that 250 copies of the petition be printed for the use of members, and the matter dropped.³

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Ordered, That the Petition of J.H. Lefroy, Esquire, F.R.S., President, and others, Members of the Canadian Institute, be printed for the use of the Members of this House.

On motion of the Honorable Mr. Morin, seconded by the Honorable Mr. Chabot, Resolved, That the House will immediately resolve itself into a Committee to consider the expediency of appropriating certain unexpended balances of the School Fund for Lower Canada, and certain other sums out of the Jesuits' Estates Fund, for Educational purposes in Lower Canada.

The House accordingly resolved itself into the said Committee;⁴

On motion of the hon. MR. PROV. SEC. MORIN the House went into Committee of the whole upon the following resolutions--Mr. Malloch in the chair:--

"That it is expedient to define by law the amount which ought to be appropriated out of the Jesuits' Estate Fund for the years 1852 and 1853, towards making provision for the remuneration of the School Inspectors for Lower Canada, and for the establishment and maintenance of a Normal School; the balance necessary for such services being taken out of the unexpended or unclaimed balance of the Common School fund for Lower Canada as provided by the Act of the 15th and 16th Vic. cap. 97.

"That the said amount out of the Jesuits' Estate Fund be fixed at the sum of two thousand pounds currency for each of the said years.

"That it is expedient to appropriate out of the said Jesuits' Estate Fund, as an investment at the rate of five per cent. per annum, from the first day of January 1853, a sum not exceeding 4,500*l.* currency, for the purchase of a site and building for a Normal School at Montreal, and a further sum, not exceeding £500 currency, for the necessary repairs thereto, the interest, as aforesaid, to be paid in half-yearly payments to the said fund, out of the said unexpended or unclaimed balance of the Common School fund for Lower Canada,

as the first charge thereon, and out of any monies which may be hereafter otherwise appropriated by law towards the said Normal School."

Mr. Morin explained the purport of the resolutions, which was to devote the unclaimed balance of the Common School Fund in Lower Canada, arising from certain localities not having contributed the necessary amount to entitle them to their share of the Fund, together with a certain proportion of the Jesuits' Estate Fund, to the payment of School Inspectors, the purchase of a site and building for a Normal School at Montreal, and the necessary repairs thereto, and the erection of new schoolhouses; the amount for the site, building, and repairs of the Normal School being estimated at £5000.⁵

The hon. member stated that it was known in Lower Canada and some parts of Upper Canada, [that] the system of education had not worked well.--Therefore, in Lower Canada, a balance remained of the appropriation amounting this year to £9,000. Formerly there had been appropriations for school houses; but these had ceased, and it was now proposed to employ these balances to a Normal School, and to the payment of school inspectors. What might be the effect of the appointments of the latter officials could not yet be known, as the superintendent had not reported on them. But it having become necessary as the balances were applied to other objects; it was also necessary to pay these charges out of the Jesuits' Estates. The expenses of Normal School teachers and the payment of the cost of the purchase of the Normal School which had been made in Montreal for £4,000, had also to be provided for. It was proposed, therefore, to take the necessary funds out of the Jesuits' Estates, (as we understood,) to be repaid out of future grants for Normal Schools if these were made. School Libraries were also to be provided, with grants of £25 added to what the people themselves would give.⁶

MR. CAUCHON ... [asked] some questions⁷.

MR. PROV. SEC. MORIN explained ... in answer ... that Lower Canada suffered no disadvantage in the appropriation of school monies, and that it had in fact an advantage of £5000.⁸

DR. LATERRIERE dit qu'il croyait que le seul moyen de donner de l'essor à l'instruction publique, était l'établissement par le gouvernement, d'une bonne école dans chaque localité, tout en laissant les habitants se taxer s'ils veulent avoir un grand nombre d'école [sic] élémentaires primaires.⁹

MR. TURCOTTE se prononça contre la multiplicité des écoles et la modicité du salaire accordé aux instituteurs. Il dit que des institutrices dans son comté, ont £3 à 4 par an. On nous demande de l'argent pour bâtir des maisons d'école. Eh! bien, si on consulte le dernier rapport du surintendant de l'éducation pour le Bas-Canada, on verra qu'il existe déjà dans le Bas-Canada 1398 maisons d'école, et 62 qui sont en voie de construction. 1398 maisons supposent nécessairement 1398 maîtres ou maîtresses; car autrement ces maisons sont inutiles; néanmoins, le même rapport vous dit que 472 instituteurs et institutrices seulement ont reçu le brevêt de capacité requis par la loi! Vous avez donc 926 maisons d'école de plus que vous n'avez d'instituteurs qualifiés. A quoi bon bâtir de nouvelles maisons d'école, si vous n'avez pas un nombre suffisant de maîtresses qualifiées [sic] que vous puissiez mettre dans celles qui existent actuellement.¹⁰ [He] said, that instead of wanting more school houses, the great complaint was that there were too many school houses. The law ought to restrain the commissioners from erection of more school houses, and give the money to pay for those already built.¹¹ Il est vrai que les institutrices ne sont pas obligées de subir l'examen voulu par la loi; disons que le nombre de ces dernières est de 200, plus ou moins, vous avez encore 726 maisons d'école pour lesquelles il vous manque 726 instituteurs qualifiés. Et encore, parmi ceux qui ont obtenu des brevêts, il s'en trouve dont la capacité est douteuse

même, pour les bureaux d'examineurs qui leur ont accordé ces brevêts, pour deux motifs qu'on ne saurait blâmer. Le premier, parce qu'en se montant [*sic*] sévère, près de la moitié des instituteurs auraient été disqualifiés; le second, c'est que le salaire des instituteurs est si modique qu'on n'a pas le droit de se montrer sévère pour des hommes qui consentent à se charger pour quelque louis de la tâche ardue d'enseigner la jeunesse. Il y a donc déjà, même d'après le rapport du surintendant, beaucoup plus de maisons d'école que d'instituteurs. Pourquoi donc, aujourd'hui, venir nous demander d'augmenter le nombre de ces maisons? La loi d'éducation ne fonctionne pas, quoi qu'en dise le Dr. Meilleur, qui, parce qu'il est bien payé, que les inspecteurs sont bien payés, s'imagine que cette loi fonctionne à merveille. Je le répète, la loi ne fonctionne pas, l'éducation ne progresse pas.¹² He also contended that the Common School system was working badly generally throughout the country, complaining principally of the incompetence of the teachers, the neglect and ignorance of the Commissioners and the Inspectors, which latter, he said, were perfectly useless. He also complained that improper books were made use of, and that the system generally was bad.¹³ On se plaint de l'hostilité du peuple à cette loi; mais le peuple a raison de lui être hostile puisqu'il paie en vertu de cette loi et qu'il ne reçoit aucun bénéfice, aucun avantage des écoles que cette même loi le force à soutenir de son argent. Cette loi, sauf le principe de la taxe, est mauvaise. Je me prononce contre l'établissement de l'école normale à Montréal, parce que cette école est insuffisante aux besoins du Bas-Canada et qu'on devrait établir une pareille école dans chaque district, si on veut obtenir des résultats avantageux de cette école.¹⁴ Why should the school be there, instead of being at Three Rivers, or Kamouraska, or Stanstead? The bridge was to be at Montreal, the Normal school was to be at Montreal, the seat of government had been there and seemed likely to be there again? It was the remains of the old influence of the party of Montreal.¹⁵

MR. MARCHILDON declared, that in¹⁶ the county which he represented the school system was working well¹⁷ [and] the money applied to schools was very well laid out, notwithstanding what might be said by the member for St. Maurice. The children learned to read well both in French and English.¹⁸ Tout le monde y est satisfait de cette loi et ... l'instruction qu'on y reçoit suffit aux besoins du peuple.¹⁹

MR. PROV. SEC. MORIN said, that the grant for school houses was not intended to be large, for the government were aware there were enough school houses, but such grants were necessary in some cases, and they would be employed in preference for those schools already at work. The hon. member said that the school loan did not work, because the school commissioners were bad, yet the hon. member said the people were anxious for education. That was a contradiction; if they were thus anxious they would take care to appoint good commissioners. But the truth was the people were not so anxious, and it would still require much patience to make a good school system generally acceptable. As to the establishment of Normal Schools in all the places spoken of, it would require an expense altogether disproportionate to the necessities of Lower Canada; but there would be no objection to establish them elsewhere than in Montreal, if more such schools were found to be required.²⁰

MR. CARTIER, comme à l'ordinaire, parla ensuite en anglais²¹. [He] affirmed in opposition to Mr. Turcotte, that in the district of Montreal, the educational system was working well, and that district contained more than all the rest of Lower Canada. The contrary statement was a slander²² upon the people of Lower Canada with regard to their desire for education....[He] mentioned a number of parishes in the County of Verchères and District of Montreal in which, even before the present Common School system was established, the people had erected

school houses at their own expense and made great advances in education²³. He was glad however to hear Mr. Marchildon's assertion that the system worked well in his part of Lower Canada. Then as to the hon. member for St. Maurice's remark about Montreal having everything, he replied and he appealed to the members for Upper Canada--that the last reproach to which the district of Montreal was liable, was one of egotism.²⁴

MR. TURCOTTE, in reply to Mr. Cartier, defied that gentleman to prove his assertions respecting the progress of education in his own county; saying that if Mr. Cartier would produce the names of the school²⁵ masters and mistresses²⁶ in the county he represented, he (Mr. Turcotte) would prove that half of them were incompetent, or else confess that he was in the wrong. He denied that he was opposed either to the system or to the tax.²⁷ Pour nous prouver ce progrès de l'instruction publique, on nous cite, en 1853, le rapport scolaire des derniers six mois de 1850 et du premier semestre de 1851. On a dit, on a répété que j'étais hostile à la loi actuelle; je déclare que j'ai toujours été et que je suis encore en faveur de la taxe pour le soutien des écoles; mais je veux que la loi soit faite de manière à ce que le produit de cette taxe soit employé avec tout l'avantage possible pour le peuple, et non pas en pure perte, comme c'est le cas sous la loi existante.²⁸ Was it a good system of education where there were no two schools in which books accorded? What were the books used in the schools? The life of St. François Xavier for instance! There was no government; no unity in any thing. There was in fact no system at all.²⁹ Je veux une loi qui règle le système d'enseignement, qui détermine l'uniformité dans le cours d'études, dans les livres en usage dans les écoles, en un mot, une loi qui tende vraiment, efficacement à donner au peuple l'éducation qu'il désire réellement et dont il a été privé jusqu'à ce jour. Comparez notre système scolaire avec celui du Haut-Canada, et jugez ensuite.³⁰

MR. CARTIER, en réponse à M. Turcotte, dit que dans son comté il y a un grand nombre de belles maisons en pierres à deux étages destinées à l'éducation. Conséquemment, que l'instruction progresse.³¹ [He] said the want of books was not the fault of the system.³² La loi ne doit pas régler le système d'enseignement ni le choix de livres.³³ The fault was in the people not selecting good commissioners.³⁴ C'est aux commissaires d'école à régler ces choses et à veiller à ce que les maîtres se conforment aux règlements faits à ce sujet. Par ce moyen on aura conformité de système et de livres d'étude!³⁵ But the real complaint of the system on the part of the hon. member was that there was a tax. Yet that tax the people would not willingly give up. He now asked the hon. member whether he, who disparaged the schoolmasters of Verchères, knew those schoolmasters?³⁶

MR. TURCOTTE.--Name them. I will find them out.³⁷

MR. CARTIER alleged that his was the most unlucky county to fall upon as one where education was at a low ebb; before there was any grant at all from government, education was firmly established there. Let the hon. member go to Varennes, Contre Coeur, Beloeil, St. Marc, where out of three hundred centenaires who lately renewed their titles, only twenty-five could not sign their names ... and those twenty-five all of the last generation. Let him go also to the next Parish, St. Antoine, there were five schools in that one Parish.³⁸

MR. CAUCHON also contended that much progress had been made in education; but at the same time he complained of the want of energy on the part of those whose business it was to give the initiative to the efforts made in this direction. The reports of the Superintendent were always a year in arrear.³⁹ Je n'entends pas ici discuter la capacité ou l'incapacité du surintendant de

l'instruction publique pour le Bas-Canada. Mais il est certain que la loi actuelle est défectueuse sous plusieurs rapports; et que son vice principal, essentiel, c'est le manque d'initiative dans le surintendant, dont cette loi ne fait qu'un simple conseiller, un simple teneur de livres et qu'elle laisse sans pouvoirs comme sans autorité. Un autre vice non moins important dans cette loi, c'est l'absence de tout système, de tout mode uniforme d'enseignement, c'est l'absence de toute uniformité dans le choix des livres d'école. Il est évident qu'avec des vices radicaux comme ceux que je viens de signaler, cette loi ne peut être bonne. Mais quelque mauvaise que soit une loi, avec de la bonne volonté, du zèle et de la capacité, elle peut fonctionner assez bien pour produire quelques résultats avantageux. Mais la loi actuelle est non-seulement mauvaise, mais encore, dans bien des cas, ceux qui sont chargés de la faire exécuter manquent de bonne volonté, de zèle et de capacité.

Pour parer à quelques vices de cette loi qu'on s'obstine, je ne sais trop pourquoi, à conserver malgré les réclamations les plus pressantes, et les plus raisonnables des amis de l'éducation, pour parer au manque de surveillance de la part du gouvernement, ou plutôt du surintendant, on a créé et nommé des inspecteurs d'école qui, eux aussi, n'ont pas plus de pouvoir et d'autorité que le surintendant lui-même. Je me trompe, on les a faits de droit juges de paix, et on ne voit pas trop dans quel but. La multiplicité de ces inspecteurs, au lieu de procurer un résultat avantageux, ne produire qu'une masse de renseignements contradictoires qui seront très peu utiles.

Je le répète de nouveau, sans unité dans l'enseignement, jamais nous n'aurons de résultat avantageux au pays....On se traînera dans l'ornière comme on le fait depuis [de] longues années, et les générations se succéderont, grandiront et disparaîtront, sans que l'instruction publique ait fait des progrès réels et utiles dans le pays.

On nous parle de prendre sur le fonds non approprié des écoles communes des sommes d'argent pour les donner aux établissements de haute éducation. Je dira franchement ma pensée. Nous avons assez de ces établissements dans la [sic] Bas-Canada; il serait nuisible d'en augmenter le nombre. Ce qui nous manque par-dessus tout, ce sont de bonnes écoles élémentaires où l'on donnerait une instruction intermédiaire. Les collèges, les maisons de haute éducation ont produit l'encombrement que l'on voit aujourd'hui dans les professions dites libérales.

L'instruction qu'on y reçoit enlève à l'agriculture et aux professions industrielles une multitude d'hommes, parce que ceux qui ont reçu cette instruction regardent comme trop bas pour eux un état où il leur faudrait travailler des mains. Aussi arrive-t-il que nous avons une foule d'avocats, de médecins, de notaires qui végètent, sont un fardeau pour leurs familles, et un vrai fléau pour la société. Ce que je désire, c'est qu'on encourage l'instruction intermédiaire, cette instruction capable de former de bons cultivateurs, des marchands capables, des ouvriers instruits et habiles qui puissent rivaliser avec ceux des autres pays. En un mot, je désire qu'on encourage par tous les moyens possibles, l'instruction agricole, commerciale et industrielle. M. Cauchon termine en regrettant que le rapport du surintendant ne comprenne que les 6 premiers mois de 1851.⁴⁰

MR. TESSIER.--Le seul défaut de la loi, c'est qu'elle confie sa propre exécution à des hommes qui n'ont pas pour la plupart les qualifications requises. L'éducation classique dans ce pays, est très florissante⁴¹ [and] was probably carried to as high a point as in other countries.⁴² Ce qui nous manque, c'est l'instruction élémentaire.⁴³ But what was proposed was to advance elementary instruction? It was proposed to build school houses. But where? Why just where education was progressing. He desired, however, to see these school houses built in the newer parishes, where they had not yet been able to build them. In the District of Montreal there were few new parishes; in that of Quebec

there were many; but it did not seem to him that it would be fair to take from these latter the balances of school monies, which were at their credit merely because they had not yet availed themselves of them. As to the Inspectors, he did not know how it was elsewhere; but he knew that in his county they followed their own business and allowed the schools to go on pretty much as before.⁴⁴

On a des inspecteurs d'école payés pour ne rien faire; ces inspecteurs sont presque tous des hommes de profession qui conduisent en même temps leurs affaires professionnelles. On aura beau faire des lois, multiplier l'inspection des écoles, l'instruction publique ne progressera pas, tant que nous n'aurons pas des instituteurs capables, et en nombre suffisant. On veut parer à cette pénurie d'instituteurs qualifiés par l'établissement d'une école normale, que l'on propose de placer à Montréal. Mais une seule école normale est-elle suffisante! En 1835, on avait voté les fonds nécessaires à l'établissement de deux écoles normales, l'une dans le district de Montréal, l'autre dans le district de Québec. En 1851, on croit avoir pourvu à tout, en établissant une seule école normale. Quel instituteur du district de Québec, pourra faire les frais de voyage et de résidence à Montréal pour y suivre les cours de cette école? Il est évident qu'un nombre bien limité de personnes aura les moyens de suivre ces cours. Tout le monde sait combien est mince le traitement des instituteurs; et on veut qu'avec ce traitement qui suffit à peine à leur procurer les choses les plus nécessaires, il trouve encore le moyen de prendre sur un traitement insuffisant aux premiers besoins de la vie, la somme nécessaire pour les mettre en état de fréquenter l'école normale. Pour moi, je conçois que l'on doit établir une école normale dans chacun des districts du Bas-Canada. Pourquoi, sur les fonds appropriés au district de Québec et non employés, n'établirait-on pas dans notre district une école de cette nature? Pourquoi n'en ferait-on pas autant pour les autres districts? Une école normale ne coûterait pas £5,000. Il n'est pas nécessaire d'acheter des maisons pour les y placer. On peut en louer pour £60 par an, et avec deux professeurs on pourrait dans chaque district, établir une école normale qui coûterait peu, qui produirait les résultats les plus avantageux.⁴⁵ He did not think that the district of Montreal was relatively so considerable as the member for Verchères alleged, or that it deserved more consideration than other places. He also wished to have some more efficient surveillance of the schools than at present, when the yearly reports did not appear till a period when they had lost all their interest from the laps[e] of time.⁴⁶

MR. PROV. SEC. MORIN replied to some of the arguments of Messrs. Turcotte and Tessier⁴⁷: Je crois que le seul moyen d'employer utilement les fonds non-employés, c'est de le faire tel que proposé par les résolutions. Il est impossible que le gouvernement s'occupe des détails, il faudrait pour cela une autre branche de gouvernement. Je crois que les inspecteurs d'école font leur devoir, et je veillerai à ce qu'ils le fassent.

On ne peut augmenter les pouvoirs du surintendant et des inspecteurs qu'en retranchant aux commissaires d'école les pouvoirs que la loi leur accorde. Cela pourrait se faire, mais il faudrait y penser avant de faire ce changement. Le maximum [sic] du salaire des inspecteurs, fixé par la loi à £300, n'a pas permis de nommer un seul inspecteur pour un district; les frais de voyages longs et multipliés auraient absorbé la plus grande partie de son salaire. Le gouvernement a cru parer à cet inconvénient en multipliant les inspecteurs de manière à ce qu'ils puissent, avec un salaire modéré, visiter sans trop de frais les arrondissements peu étendus dont l'inspection leur est confiée.⁴⁸

MR. R. CHRISTIE complained of the manner in which the inspectors had been appointed in his county, many of them being ministers and some politicians running about the country preaching anything but the Gospel.⁴⁹

MR. GAMBLE considered that if the School Inspectors were elected by the

people or appointed by the municipal bodies they would be found much more efficient and attentive to the discharge of their duties, and explained at some length the working of the system as it exists in the upper part of the Province.⁵⁰ He had always been opposed to appointing ministers of the gospel, because they naturally and properly subordinated the school system to their ministry of the Word of God. But the fact was it was not easy to obtain other inspectors, at the price that could be afforded, and the consequence was that ministers of the Gospel were generally appointed. It appears however from what had been said by the hon. member for Gaspé that the gentlemen appointed were not ministers of the Gospel.⁵¹

MR. INSP. GEN. HINCKS, in reply, said that the Government were very anxious to have the system so extended that they should be relieved of the responsibility of appointing the Inspectors; but as things were at present, it necessarily rested upon the Executive. He attributed the want of success that had, in many parts of Lower Canada, attended the introduction of the Common School system to the unwillingness of the people, at first, to tax themselves, and mentioned the township of Zorra, in the county of Kent, as a similar instance, arising from the ignorance of the people of the advantages of education⁵² when the school law was first introduced.⁵³

MR. BROWN was glad to find that Common School education was advancing in Lower Canada, although it was evident from the report of the Chief Superintendent⁵⁴, Dr. Meilleur⁵⁵, that much that had been said about its backward condition was well-founded; that though it might be improving, there was still a long way to go in advancement⁵⁶ [and] that many of the complaints of the hon. member from St. Maurice were correct.⁵⁷ He thought the debate should not conclude without some reference to the report of the Chief Superintendent from which he found that, though there were 2000 schools, there were only 500 licensed teachers; and that though the population of Lower Canada was nearly equal to that of Upper Canada, yet there were in the former not half the number of children attending schools as in the latter. The qualifications of the teachers, and the character of the class-books must be raised ere the system could work well, and the sectarian element, above all, must be removed.⁵⁸ However, he hoped that much good would result from the committee on education obtained by the member for St. Hyacinthe.⁵⁹ The Normal School, if established and conducted on liberal and enlightened principles, would have a most beneficial influence.⁶⁰

Les résolutions passent sans division.⁶¹

(490)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had come to several Resolutions.

Ordered, That the Report be received on Monday next.

On motion of Mr. McDougall, seconded by Mr. Stevenson,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will order copies of all Correspondence between the Government and Mr. Joly, relative to the Point Platon Wharf, and copies of all Surveys and Reports relative to the said Wharf, to be laid before this House.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Lemieux have leave to bring in a Bill to allow the recusation of Judges who are Seigniors, in cases where Seigniorial Rights are called in Question.

(491)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Order of the day for the second reading of the Bill to amend the Upper Canada Jurors' Act of one thousand eight hundred and fifty, and to repeal certain parts thereof, being read;⁶²

MR. AT. GEN. RICHARDS moved the second reading of the bill to amend the Juror's Act C.W. After some explanations of the details of the bill,⁶³ the hon. member said that there was much complaint on the part of the Clerks of the Peace that this bill would reduce their fees; so that it became a question whether they should still fulfil the duties under this law or whether they should be done by the Clerks of the County Councils. He apprehended that it would come to this, that if the Clerks of [the] Peace did not choose to perform their duties at the appointed fees, the Clerks of the Councils would be glad to have them. It was also intended, as we understood, for the scruples of jurymen who objected to take an oath.⁶⁴

MR. GAMBLE said the great object of this bill was to save expense, and the mode of doing this just what was recommended by the Council of his County. He therefore did not complain of it, though it adopted a principle which might be improperly used. By the old bill, two-thirds of the rate-payers were placed on the jury rolls; now only ... one kind was to be placed. This involved a selection, and that selection of Jurymen in bad times, such as had prevailed and might prevail again, might lead to very evil consequences to persons accused. As to the amount of remuneration to be paid to the Clerks for making the jury book, &c., he thought it ought to be determined by those who had to pay the assessments rendered necessary by it.⁶⁵

As several members expressed a wish to have a day fixed for ... consideration [of the Bill] in Committee of the Whole, no debate took place upon it⁶⁶.

(491)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.⁶⁷

Mr. Cartier, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, informed the House, That John Langton and James Smith, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee, this day.

The Order of the day for the second reading of the Bill to regulate the Currency, being read;

Ordered, That the Bill be read a second time on Friday next.

Ordered, That the remaining Orders of the day be postponed until Monday next.

*Then, on motion of Mr. Dixon, seconded by Mr. Clapham,
The House adjourned until Monday next.*

APPENDIX: 18 FEBRUARY 1853.

[NOTICE OF MOTION RE: ADDITION OF T. TERRILL TO L.C. TOWNSHIPS ABUSES COMMITTEE.]

DR. FORTIER [donna avis que] lundi prochain [il ferait] motion pour que Timothy-Lee Terrill, écuyer, soit ajouté au comité nommé pour s'enquérir des abus dans les townships du Bas-Canada.⁶⁸

[NOTICE OF MOTION RE: COMMITTEE ON ICE BRIDGE AT QUEBEC AND BREAKWATERS AT POINTE-LEVI AND BEAUPORT.]

MR. CLAPHAM [donna avis que] lundi prochain [il ferait motion pour un] Comité spécial pour prendre en considération et rapporter les avantages qu'il y aurait à avoir un pont périodique de glace sur le Saint-Laurent, à Québec, et les moyens de l'avoir; et aussi, l'importance qu'il y a à ériger des brise-lames sur la batture de la Pointe-Lévi et de Beauport, pour aider à obtenir le dit pont, ainsi que pour la protection du dit havre et le commerce du pays en général; avec pouvoir d'envoyer quérir personnes, papiers et records; et que le dit comité soit composé des membres suivants: l'honorable M. Chabot, M. Tessier, M. Stuart, M. Dubord et le moteur.⁶⁹

[QUESTION AND ANSWER RE: REDUCTION OF OCEAN POSTAGE RATES.]⁷⁰

MR. ROBINSON ... [asked] "Whether the Government were taking any steps to obtain a reduction in the rates of Ocean Postage"⁷¹.

MR. INSP. GEN. HINCKS stated that the Government had made an effort to obtain from the Imperial Government permission to⁷² make some arrangement with the⁷³ intended⁷⁴ new line of screw steamers⁷⁵ between Quebec and Liverpool, by which letters might be brought at a low, if not nominal charge--which would be a great boon to⁷⁶ the poorer classes⁷⁷ to whom time was not of much consequence. But as the question applied to "Ocean" Postage generally⁷⁸ he supposed ... that the question asked by Mr. Robertson [*sic*] referred to mails by the Cunard steamers, and he doubted whether the Provincial Government could ask for the establishment of a penny postage by them without at the same time offering to bear a share of the loss which would be incurred by the change⁷⁹. The hon. member must be aware that any arrangement for a reduction could only be made in conjunction with other countries, and that the expense would be enormous to meet the⁸⁰ very great⁸¹ deficiency that must result from the adoption of a very low rate of postage.⁸²

MR. ROBINSON regretted that the answer of the hon. Inspector General was not more satisfactory, and he would endeavour to bring the subject before the House in another way.⁸³

FOOTNOTES: 18 FEBRUARY 1853.

1. The exchange on this matter was reported by GLOBE, 1 March 1853. The following papers noted the exchange in identical accounts: HAMILTON SPECTATOR DAILY, 19 February 1853, MORNING CHRONICLE, 21 February 1853, MONTREAL GAZETTE, 23 February 1853, PILOT, 24 February 1853, HAMILTON SPECTATOR DAILY, 26 February 1853 (which copied from QUEBEC MERCURY of unknown date), EXAMINER, 2 March 1853, HAMILTON SPECTATOR WEEKLY, 3 March 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN SEMI-WEEKLY, 4 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. It was also noted by EXAMINER, 23 February 1853 (which misdated its account as Thursday).
2. GLOBE, 1 March 1853.
3. IBID.
4. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 21 February 1853, MONTREAL GAZETTE, 23 February 1853, PILOT, 24 February 1853, HAMILTON SPECTATOR DAILY, 26 February 1853 (which copied from QUEBEC MERCURY of unknown date), EXAMINER, 2 March 1853, HAMILTON SPECTATOR WEEKLY, 3 March 1853 (which copied from QUEBEC MERCURY of unknown date), and NORTH AMERICAN SEMI-WEEKLY, 4 March 1853. The debate was also reported by: GLOBE, 1 March 1853; and JOURNAL DE QUEBEC, 22 February 1853. The following papers noted the debate in partially identical accounts: HAMILTON SPECTATOR DAILY, 19 February 1853, and EXAMINER, 23 February 1853 (which misdated its account as Thursday).
5. GLOBE, 1 March 1853, which noted: "Upon these resolutions a somewhat warm discussion ensued, which was carried on principally in French, Messrs. Morin, Turcotte, Cartier, Tessier, Cauchon, and Marchildon being the chief speakers."
6. MORNING CHRONICLE, 21 February 1853.
7. IBID.
8. IBID.
9. JOURNAL DE QUEBEC, 22 February 1853.
10. IBID.
11. MORNING CHRONICLE, 21 February 1853.
12. JOURNAL DE QUEBEC, 22 February 1853.
13. GLOBE, 1 March 1853.
14. JOURNAL DE QUEBEC, 22 February 1853.
15. MORNING CHRONICLE, 21 February 1853.
16. IBID.
17. GLOBE, 1 March 1853.
18. MORNING CHRONICLE, 21 February 1853.
19. JOURNAL DE QUEBEC, 22 February 1853.
20. MORNING CHRONICLE, 21 February 1853.
21. JOURNAL DE QUEBEC, 22 February 1853.
22. MORNING CHRONICLE, 21 February 1853.
23. GLOBE, 1 March 1853.
24. MORNING CHRONICLE, 21 February 1853.
25. GLOBE, 1 March 1853.
26. MORNING CHRONICLE, 21 February 1853.
27. GLOBE, 1 March 1853.
28. JOURNAL DE QUEBEC, 22 February 1853.
29. MORNING CHRONICLE, 21 February 1853.
30. JOURNAL DE QUEBEC, 22 February 1853.
31. IBID.

32. MORNING CHRONICLE, 21 February 1853.
33. JOURNAL DE QUEBEC, 22 February 1853.
34. MORNING CHRONICLE, 21 February 1853.
35. JOURNAL DE QUEBEC, 22 February 1853.
36. MORNING CHRONICLE, 21 February 1853.
37. IBID.
38. IBID.
39. IBID.
40. JOURNAL DE QUEBEC, 22 February 1853.
41. IBID.
42. MORNING CHRONICLE, 21 February 1853.
43. JOURNAL DE QUEBEC, 22 February 1853.
44. MORNING CHRONICLE, 21 February 1853.
45. JOURNAL DE QUEBEC, 22 February 1853.
46. MORNING CHRONICLE, 21 February 1853.
47. IBID.
48. JOURNAL DE QUEBEC, 22 February 1853.
49. MORNING CHRONICLE, 21 February 1853.
50. GLOBE, 1 March 1853.
51. MORNING CHRONICLE, 21 February 1853.
52. GLOBE, 1 March 1853.
53. MORNING CHRONICLE, 21 February 1853.
54. GLOBE, 1 March 1853.
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56. GLOBE, 1 March 1853.
57. MORNING CHRONICLE, 21 February 1853.
58. GLOBE, 1 March 1853.
59. MORNING CHRONICLE, 21 February 1853.
60. GLOBE, 1 March 1853.
61. JOURNAL DE QUEBEC, 22 February 1853.
62. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 21 February 1853, MONTREAL GAZETTE, 23 February 1853, PILOT, 24 February 1853, HAMILTON SPECTATOR DAILY, 26 February 1853 (which copied from QUEBEC MERCURY of unknown date), EXAMINER, 2 March 1853, and HAMILTON SPECTATOR WEEKLY, 3 March 1853 (which copied from QUEBEC MERCURY of unknown date). The debate was also reported by GLOBE, 1 March 1853. It was noted by HAMILTON SPECTATOR DAILY, 21 February 1853.
63. MORNING CHRONICLE, 21 February 1853. GLOBE, 1 March 1853, remarked that "the Attorney General [Mr. Richards] made some remarks explanatory of the measure, but from the low tone in which he spoke it was impossible to catch even the substance of his observations in the reporter's box."
64. MORNING CHRONICLE, 21 February 1853.
65. IBID.
66. GLOBE, 1 March 1853.
67. GLOBE, 1 March 1853, reported that the debate was postponed "till this day fortnight."
68. JOURNAL DE QUEBEC, 19 February 1853.
69. IBID.
70. The following papers reported this Question and Answer in identical accounts: BRITISH WHIG, 21 February 1853, HAMILTON SPECTATOR DAILY, 21 February 1853, PILOT, 22 February 1853, and EXAMINER, 23 February 1853; MORNING CHRONICLE, 21 February 1853, MONTREAL GAZETTE, 23 February 1853, PILOT, 24 February 1853, HAMILTON SPECTATOR DAILY, 26 February 1853 (which copied from QUEBEC MERCURY of unknown date), EXAMINER, 2 March 1853, and HAMILTON SPECTATOR WEEKLY, 3 March 1853 (which copied from QUEBEC MERCURY

of unknown date). It was also reported by GLOBE, 1 March 1853.

71. GLOBE, 1 March 1853.
72. HAMILTON SPECTATOR DAILY, 21 February 1853.
73. GLOBE, 1 March 1853.
74. MORNING CHRONICLE, 21 February 1853.
75. HAMILTON SPECTATOR DAILY, 21 February 1853.
76. GLOBE, 1 March 1853.
77. MORNING CHRONICLE, 21 February 1853.
78. GLOBE, 1 March 1853.
79. MORNING CHRONICLE, 21 February 1853.
80. GLOBE, 1 March 1853.
81. MORNING CHRONICLE, 21 February 1853.
82. GLOBE, 1 March 1853.
83. IBID.

MONDAY, 21 FEBRUARY 1853.¹

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THE Serjeant-at-Arms attending this House, informed the House, that he had taken James Smith, Esquire, into his custody.

Whereupon Mr. Morrison stated, that he was desired by Mr. Smith to express his sorrow for the inconvenience he had caused the House and the Parties by his absence, on account of severe illness, from the Committee appointed to try the matter of the Toronto Election Petition.

Ordered, That James Smith, Esquire, be discharged out of custody.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Badgley,--The Petition of the Montreal Manufacturing Company; and the Petition of the Mayor and Corporation of the City of Montreal.

By Mr. Jobin,--The Petition of the Reverend L.J. Guyon and others, of the Parish of Ste. Elizabeth, County of Berthier; and the Petition of Louis Champagne and others, of Lavaltrie and other Parishes, in the County of Berthier.

By the Honorable Mr. Robinson,--The Petition of the Municipal Council of the County of Simcoe.

By Mr. Tessier,--The Petition of Michel Naud and others, of Deschambault; and the Petition of Baptiste Lépine and others, of Pointe aux Trembles.

By Mr. Lemieux,--The Petition of Dunbar Ross, Esquire, and others, of the City of Quebec and parts adjacent.

By Mr. Prince,--Two Petitions of the Municipal Council of the United Counties of Essex and Lambton.

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By Mr. Gouin,--The Petition of J.B. Lamère and others, School Commissioners of the Municipality of the Town of William Henry.

By Mr. Smith of Durham,--The Petition of the Municipal Council of the United Counties of Northumberland and Durham.

By Mr. Brown,--The Petition of Olivier Duval, Esquire, and others, of the Banlieue of the Town of Three Rivers.²

MR. BROWN presented a petition from certain Roman Catholic inhabitants of the banlieu[e] of Three Rivers, remonstrating against any tax being imposed upon them for the purpose of erecting a cathedral in the new diocese of Three Rivers.³ He read the petition in full⁴. This petition, the hon. member said, was signed by 41 Roman Catholic inhabitants of Three Rivers, who would be subject to the tax should the resolutions now before the House be carried [*sic*] into effect by statute.⁵ Mr. Brown sought to refer to the previous proceedings in the matter, but was prevented by the rules of the House.⁶

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By Mr. Cauchon,--The Petition of the Reverend L.E. Bois and others, of the Parish of St. Joseph de Maskinongé.

By Mr. Stuart,--The Petition of the Mayor and Councillors of the City of Quebec; and the Petition of John McMullen and others, Merchants, Traders, and others, of Quebec.

By Mr. White,--The Petition of John Stewart and others, of the County of Halton, and others; and the Petition of the Municipality of the Township of Nelson.

Pursuant to the Order of the day, the following Petitions were read:--

Of John McLeod and others, of the Town of Amherstburg; praying that the Petition of the Town Council thereof for the passing of an Act to authorize the said Council to sell or lease the present Market site in the said Town, and to acquire another site and build thereon, be not granted.

Of Thomas LePage and others, of the County of Gaspé; praying that Legislative encouragement may be given to the Fisheries and Trade connected therewith, in the District of Gaspé, by granting Bounties as in other Countries,--by exempting certain articles used in the Trade from the payment of duty,--and by the adoption of such measures as shall cause Gaspé Basin to be made a Free Trading Port.

Of the Reverend L.D. Maréchal and others, of the Village of Napierville; praying for a reduction of the rentes foncières on lands belonging to inhabitants of the said Village, and situated therein.

Of the Municipal Council of the United Counties of Stormont, Dundas, and Glengary; praying for the repeal of the Common School Law, and the substitution of one general comprehensive Free School Act for Canada West.

Of the Municipal Council of the United Counties of Stormont, Dundas, and Glengary; praying that the Jury Law may be so amended as to place the duties and fees of officers connected therewith under the control of the County Councils.

Of John C. Ball and others, of Niagara; praying an Act of Incorporation to enable them to establish a Mutual and Proprietary Insurance Company at Niagara.

Of the Quebec Library Association; praying for aid.

Of Matthew H. Warren and others,--and of William Henry Ellis and others, Merchants, Traders, and others, carrying on business on the Coast of Ladrador [sic]; praying for the establishment of Reciprocal Free Trade between the said Coast of Labrador and Canada, similar to that existing between all the other North American Colonies.

Ordered, That the Petition of John McLeod and others, of the Town of Amherstburg, be referred to the Standing Committee on Miscellaneous Private Bills.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That Ovide LeBlanc, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, on Saturday last, and this day.

Mr. Sicotte, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Mégantic, informed the House, That Seneca Paige, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, on Saturday last, and this day.

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The Honorable Mr. Robinson, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Prince Edward, informed the House, That Thomas C. Street, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, on Saturday last.

Ordered, That Mr. Chapais have leave to bring in a Bill to establish a Board of Notaries for the Districts of Kamouraska and Gaspé, and further to amend the Act for the organization of the Notarial Profession in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the seventh day of March next.

Ordered, That Mr. Terrill be added to the Select Committee appointed to enquire into the system upon which Lands have been conceded and sold in the Townships of Lower Canada, and into the causes which obstruct the settlement of the said Townships.

MR. CLAPHAM⁷ then moved that a Committee be appointed "to take into consideration and report on the advantages to be derived from, and the means by which may be obtained, a periodical Ice Bridge across the River St. Lawrence at Quebec; and also, on the importance of erecting Breakwaters on the Point Levy Reef and Beauport Flat, in connection with, and in furtherance of the aforesaid object, as well as for the protection of the harbour and general commerce of the country; with power to send for persons, papers, and records--and that the said Committee be composed of the following members:--The Honourable Mr. Chabot, Mr. Tessier, Mr. Stuart, Mr. Dubord, and the Mover."⁸ [He] said that the subject of a periodical Ice Bridge was one that had long engaged attention. Ten years ago the City Council had appointed a Committee to investigate the matter in all its bearings, and a favorable report had been the result. Owing to the removal of the Seat of Government and other causes, no further action had taken place until last winter, when a public meeting was held in this City, and a Committee named thereat, who had given great attention to the subject, and obtained the opinions of gentlemen of science and long experience:--all which opinions were, that the project was feasible, and confirmatory of what had been previously done in the City Council. A Petition based on a report to this effect, praying the House to aid in carrying out the object was now before it. During his (Mr. C.'s) long residence in the country, and having had occasion often to cross the river in the winter season, and without reference to a fair or foul weather passage, he had witnessed not only great inconveniences, but serious accidents. On one occasion⁹, neuf personnes se sont noyées par le chavirement de leur embarcation¹⁰ at one fell swoop, and at another time, the side of the canoe in which he was crossing, was stove in by the ice, and they were only saved from destruction by one of the men stuffing his jacket into the opening.--It was not the immediate loss of life alone that was to be apprehended and deplored, but the sickness and many premature deaths, incident to occasional hardships and long exposure¹¹ aux rigueurs de la température¹² endured on the passage too severe in their nature to be borne by delicate persons with impunity. The mere cost of transportation across the river was a trifle in comparison to the charges and inconvenience often incurred by persons coming with horses and cattle from a distance¹³ et qui sont obligées de les laisser à la Pointe-Lévi¹⁴--subject as they were to neglect ... while their owners were engaged on business, and sometimes unavoidably detained by the weather and other causes in town. It was therefore deemed to be an act of justice to a large extent of territory requiring to communicate with Quebec as their only market, that all possible facilities should be afforded, and there never has been a time more appropriate than the present, when railroads converging at Point Levi would vastly increase the number of persons to be affected by the measure. But great and desirable ... [as] a periodical Ice Bridge was, it did not constitute all that was contemplated by the measure. The projected piers on the reef at Point Levi, and on the outer edge of the Beauport flats would not only contribute by their position to the most early stoppage of the ice, but they would in the summer season serve¹⁵ à modérer l'impétuosité des flots dans les deux hâvres respectivement¹⁶, and also prove a great protection to the lumber coves and shipping. In the spring and fall the prevalent heavy gales of easterly winds often did great injury, especially to river craft deeply laden with lumber, shingles, hay, and other produce:--the waves not meeting any obstacle to break their force caused the half decked vessels to pitch and roll to that degree as to swamp and wash out their cargoes and sink them at their moorings. At other times vessels have been anchored at l'ance des mères more than a fortnight without being able to weather the India wharf and arrive at their destination in the River St. Charles. This would be the fate also of small craft, and even large barges from Upper Canada,

often deeply laden on deck, without the proposed protection. The wharves or break-waters, from their magnitude and convenience, would realize another object; being admirably adapted for magazines or depots for coals for ocean steamers and other commercial or public purposes, so as more than adequately [to] repay the interest and original outlay. The industry of the inhabitants on the South Shore would be greatly encouraged¹⁷ par ce moyen¹⁸, and bulky articles, which now hardly pay the expense of transport in winter, would be brought to market in large quantities, and at a cheaper rate. He (Mr. C.) hoped that the House would grant a committee in order to bring the labors of those who had taken so great an interest in the question tangibly and regularly before it. In the selection of the proposed committee he had been influenced by a due regard to a representation of the localities more immediately interested and especially in naming the Honble. President of the Board of Works, than whom no one knew better the importance of the subject and who would thus be better able to speak on the subject when finally brought up for consideration.¹⁹

MR. BROWN thought that this was a purely local matter²⁰, of mere municipal concern²¹, and one that he did not think the time of the House should be taken up with.²²

MR. INSP. GEN. HINCKS saw no objection to the matter being inquired into by the House, as it was interesting to a large section of the country.²³

The motion ... was finally agreed to.²⁴

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Resolved, That a Select Committee, composed of Mr. Clapham, the Honorable Mr. Chabot, Mr. Tessier, Mr. Stuart, and Mr. Dubord, be appointed to take into consideration and report on the advantages to be derived from, and the means by which may be obtained, a periodical Ice Bridge across the River St. Lawrence at Quebec; and also, on the importance of erecting Breakwaters on the Point Levy Reef and Beauport Flat, in connection with and in furtherance of the aforesaid object, as well as for the protection of the Harbour and general Commerce of the Country; with power to send for persons, papers, and records.

Ordered, That Mr. White have leave to bring in a Bill to enable Married Women not residing in Canada, to convey their Real Estates in Upper Canada by their lawful Attorney.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring in a Bill to amend an Act of the Legislature of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, "An Act to amend the Law respecting Real Property, and to render the proceedings for recovering possession thereof in certain cases less difficult and expensive."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. Cartier, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, informed the House, That James Smith and John Langton, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee, on Saturday last; and that John Langton, Esquire, was

not present within one hour after the time appointed for the meeting of the said Committee, this day.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly of the 3rd September last, praying for certain particulars of information and statements relative to Judicial Officers in Lower Canada, under the Act 13 & 14 Vic. cap. 37.

For the said Return, see Appendix (T.T.T.)

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The Order of the House of Friday last, for the attendance of Thomas C. Street, Esquire, in his place in this House, this day, being read;--And Mr. Street attending in his place;

Ordered, That the 84th Section of "The Election Petition Act of 1851" be now read;--And the same being read;

Ordered, That Thomas C. Street, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Prince Edward, and not having been present within one hour after the time appointed for the meeting of the Committee on Friday last, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Serjeant-at-Arms attending this House, informed the House, that he had taken Thomas C. Street, Esquire, into his custody.

Whereupon Mr. Jobin acquainted the House, that he was desired by Mr. Street to state, That on Tuesday morning last, he went to the Ferry House at Albany for the purpose of crossing the Hudson River in time to take the Express Train from New York to Troy, and on his arrival at the said Ferry House he found that the Steam Ferry Boat which plies in common with the said Express Train had met with an accident in the Ice, which disabled her from crossing the said River, and that in consequence of the said accident, he was unable to reach the Train in time to take the Northern Train for Montreal, on that day, and hence he was unable to reach the Seat of Government on Friday last, to attend the meeting of the Select Committee on the Prince Edward Election Petition, as he intended to have done, and would have done but for the accident aforesaid; and the same having been verified upon Oath by Mr. Street;

Ordered, That Thomas C. Street, Esquire, be discharged out of custody.

Mr. Malloch, from the Committee to consider the expediency of appropriating certain unexpended balances of the School Fund for Lower Canada, and certain other sums out of the Jesuits' Estates Fund, for Educational purposes in Lower Canada, reported several Resolutions; which were read, as follow:--

1. Resolved, That it is expedient to appropriate out of the unexpended or unappropriated balance of the Common School Fund for Lower Canada, for the year 1851, a sum not exceeding Three thousand pounds currency, as an aid for the building of School Houses under the direction of the School Commissioners.

2. Resolved, That it is expedient further to appropriate out of the said balance, a sum not exceeding Five hundred pounds currency, as an aid towards the formation of Parish and Township Libraries, in localities where adequate contributions may have been made for the same object.

3. Resolved, That it is expedient further to appropriate out of the said balance, a sum not exceeding Five thousand pounds currency, as an aid for Education in Lower Canada, in such manner as may be devised by Parliament during the present Session.

4. Resolved, That it is expedient to define by law the amount which ought to be appropriated out of the Jesuits' Estates Fund, for the years 1852 and 1853, towards making provision for the remuneration of the School Inspectors for Lower Canada, and for the establishment and maintenance of a Normal School,--

the balance necessary for such services being taken out of the unexpended or unclaimed balance of the Common School Fund for Lower Canada, as provided by the Act of the 14 & 15 Vic. cap. 97.

5. Resolved, That the said amount out of the Jesuits' Estates Fund be fixed at the sum of Two thousand pounds currency, for each of the said years.

6. Resolved, That it is expedient to appropriate out of the said Jesuits' Estates Fund, as an investment, at the rate of five per cent per annum, from the 1st day of January, 1853, a sum not exceeding Four thousand five hundred

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pounds currency, for the purchase of a site and buildings for a Normal School at Montreal, and a further sum not exceeding Five hundred pounds currency, for the necessary repairs thereto; the interest as aforesaid to be paid in half-yearly payments into the said Fund, out of the said unexpended or unclaimed balance of the Common School Fund for Lower Canada, as the first charge thereon, and out of any monies which may be hereafter otherwise appropriated by law towards the said Normal School.

The said Resolutions, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Morin have leave to bring in a Bill to appropriate certain unexpended balances out of the School Fund for Lower Canada, and certain other sums out of the Jesuits' Estates Fund, for Educational purposes in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the first day of March next.

The Order of the day for resuming the further consideration of the allegations contained in the Petition of Joseph Cauchon, Esquire, Member for the County of Montmorency, against Louis Célestin Lefrançois, Esquire, Registrar, and Returning Officer at the late Election for the said County, for the examination of Witnesses, and the hearing of Counsel at the Bar of this House, on the part of Mr. Lefrançois, being read;

And the House being informed that Mr. Lefrançois attended at the door; he was called in.

Thomas Pope and Jacques Rhéaume, Esquires, also attended as Counsel on the part of Mr. Lefrançois.

And the House being informed that Philip Warren, one of the Witnesses on the part of Mr. Lefrançois, attended at the door; he was called in; and, at the Bar, examined, as followeth:--

By Mr. Lemieux:--

1. What is your name, place of residence, and occupation?--My name is Philip Warren; I reside at the Parish of Chateau Richer, and I am a Merchant.

2. Were you an Elector at the last General Election of a Member for the County of Montmorency; did you take an active part in the said Election, and had you an opportunity of observing the conduct of Mr. Lefrançois, as Returning Officer, before and during the said Election, and state in what manner he conducted himself?--I was an Elector at the last Election for the County of Montmorency, and I took an active part in that Election: I remarked Mr. Lefrançois' conduct, both before and during the Election. In his quality of Returning Officer at the said Election, Mr. Lefrançois conducted himself in the most delicate manner, and rendered full justice to both parties.

3. Are you not aware that Mr. Bernier, the brother-in-law of Mr. Lefrançois, had his office in the house of the latter during the last Election?--I am.

4. Had Mr. Bernier any public charge or office, and was he obliged to receive a number of persons in his said office at Mr. Lefrançois'?--Mr. Bernier, at that time, was Clerk to the School Commissioners, and was obliged to receive a great many persons who had to pay their contributions.

5. Is it not true that during the Election in question, a large number of persons were obliged to go to the office of Mr. Bernier to settle and pay their contributions just mentioned?--It is.

6. State what took place at Chateau Richer on the nomination day, and state whether it was possible for the Returning Officer to act with more impartiality than he did in relation to the partizans of both Candidates on that occasion?--I was not present all the time.

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7. Is it not true that Mr. Lefrançois took no part whatever in the meetings held at Chateau Richer and elsewhere in opposition to Mr. Cauchon, and that he invariably kept aloof during the time that he fulfilled the duties of Returning Officer?--Mr. Lefrançois took no part whatever in the above object.

8. Do you know Mr. Ovide Rousseau, the Notary, and will you state what was the public rumour in Chateau Richer concerning the pretensions of that gentleman in relation to the office of Registrar, now held by Mr. Lefrançois?--This is the rumour that was abroad: A certain number of persons said to me on several occasions, "Mr. Lefrançois is going to lose his office;" whereupon I asked, "Who could make Mr. Lefrançois lose his position?" and was answered, that Mr. Joseph Cauchon could, in order to get Mr. Rousseau appointed to it afterwards.

9. Will you state to the best of your knowledge, whether it be true that Mr. Lefrançois was the author of the contestation at the Election, and will you state your reasons for believing that it is not Mr. Lefrançois who was the cause of the opposition shewn to Mr. Cauchon?--It is not Mr. Lefrançois who was the author of the opposition shewn to Mr. Cauchon at his Election, but Mr. Cauchon himself, with his newspaper, who is continually heaping imprecations on every one who differs with him in politics.

10. Will you state in whose house the partizans of Mr. Guay used to meet during the said Election?--During the two polling days, the partizans of Mr. Guay put up at the house of Messieurs Jean and Thomas Michel.

11. Is not the house of Mr. Lefrançois generally resorted to by a considerable number of persons?--It is.

12. Do you know Régis Poulin, one of the witnesses heard on behalf of Mr. Cauchon; and will you state what is the general character of that individual?--I am acquainted with the character of Mr. Régis Poulin; in general it is rather an indifferent one.

13. Are you not a near neighbour of Mr. Lefrançois, and if that gentleman had taken any steps in favor of Mr. Guay or against Mr. Cauchon, would you not have had a knowledge thereof?--I am neighbour to Mr. Lefrançois, and am persuaded that he shewed no more favor to Mr. Germain Guay's party than to that of Mr. Joseph Cauchon.

By Mr. Cauchon:--

14. Whom did you support at the said Election?--Mr. Germain Guay.

15. Are you not a friend of Mr. Lefrançois, the Returning Officer?--Yes, I was, and still am a friend of Mr. Lefrançois.

16. Did you not go to Mr. Louis Célestin Lefrançois's own house, both before and during the Election; did he not speak to you, or did you not speak to him of the Election; what did you say to him; what did he say to you; state fully and at length every thing you know on this subject?--I both saw Mr. Lefrançois and went to his house; I spoke to him of the Election. As soon as Mr. Lefrançois had taken the oath of office, he begged of me not to speak to him of Elections, "because" said he "I wish to render justice without respect to any party whatsoever."

17. How can you say that Mr. Lefrançois did not in any way or any where conduct himself as a party man?--Did he not prove it both by his words and his actions.

18. How are you able to assert that Mr. Lefrançois was not the cause of the Election contest in the County of Montmorency?--I can assert it, because three years before the Election there was a strong party who had declared against Mr. Joseph Cauchon.

19. Had you ever any conversation with Mr. Louis Célestin Lefrançois on the subject of the evidence you were to give at the Bar of this House?--No, none.

20. Were you always present in Mr. Lefrançois' house when people was [sic]

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there; and how can you be aware in every case of what was said there?--I never said that I was aware of all that was said at all times in Mr. Lefrançois' house.

And then he was directed to withdraw.

And the House being informed that Pierre Taillon, another of the Witnesses on the part of Mr. Lefrançois, attended at the door; he was called in; and, at the Bar, examined, as followeth:--

By Mr. Laurin:--

21. What is your name and residence, and did you reside at Chateau Richer at the time of the last Election, and were you one of the Electors at the said Election?--My name is Pierre Taillon; I reside at Chateau Richer; and was an Elector before and at the time of the said Election.

22. Were you a resident of Chateau Richer at the time of the last General Elections, and who were your neighbours?--Yes, I was a resident of Chateau Richer at the time; and my nearest neighbours are Messrs. Louis Célestin Lefrançois and Charles Rhéaume.

23. Were you present at the nomination, and will you state all that took place; how Mr. Lefrançois conducted himself towards the two Candidates, and their partizans?--I was not present at the nomination. I have no knowledge of what took place on that day.

24. Had you occasion to observe the conduct of Mr. Lefrançois as Returning Officer during the said Election, and will you state how he conducted himself towards both Candidates?--I was acquainted with the conduct of Mr. Lefrançois as Returning Officer; I often went to his house both during and before the Election to hear the news of the Election; Mr. Lefrançois said to me, "I cannot talk about these things; ask some body else; I cannot talk about these matters; refrain from mentioning them to me as much as possible, for it exposes me to censure in my present position."

25. Did not Mr. Bernier, in his capacity of Secretary or Treasurer to the School Commissioners, receive from the habitans their respective contributions during the Election; if not, state what Mr. Bernier's occupation was, and where he kept his office?--Yes, Mr. Bernier is Secretary to the School Commissioners, and keeps his office in Mr. Lefrançois' house, and there he received a great many people who came there to pay their contributions.

26. Do you know the reasons why before and during the Election a certain number of persons resorted to the house of Mr. Lefrançois?--I am not acquainted with all the reasons which induced so many persons to go to Mr. Lefrançois', but I presume that most of them went there either to pay their contributions to Mr. Bernier, or to transact other business with Mr. Lefrançois, as a Notary.

27. Do you know why Mr. Cauchon met with opposition in his County, and will you state, from what you know on the subject, if Mr. Lefrançois, the Notary, was the cause of the contestation, or whether Mr. Cauchon himself was not; be kind enough to detail the circumstances you are acquainted with?--I do not know who was the author of the contestation. I never heard the Notary Lefrançois speak of it. The contest was begun by gentlemen from Quebec.

28. Do you know Charles Rhéaume, a witness examined in this matter on be-

half of Mr. Cauchon, and state whether his word is to be taken, and whether you would believe him on oath?--I know Mr. Charles Rhéaume; he is a very near neighbour of mine. For my part I would not take his word, nor believe him on oath.

29. Were you at any time a partizan of Mr. Cauchon?--Yes, I was a partizan of Mr. Cauchon at his first Election; I was one of his voters.

By Mr. Cauchon:--

30. Were you not one of Mr. Guay's partizans?--I was.

31. Are you aware whose partizan Mr. Lefrançois was, and how did you become aware of it?--I was not aware whose partizan Mr. Lefrançois was.

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32. Did you ever place any confidence in Mr. Rhéaume, and will you state why you ceased to place any confidence in him?--I used to place confidence in Mr. Rhéaume, and he himself by his own conduct was the cause of my losing the confidence I had formerly placed in him.

33. State the circumstances?--The circumstances are these: Mr. Rhéaume was summoned before a Court of Justice on an indictment for perjury, and on that account I have no more confidence in him.

34. Was he tried, and on what grounds was he accused of perjury?--His trial was commenced; I do not know whether it was brought to a conclusion, and I am not aware for what reason he has been accused of perjury.²⁵

Pendant que le témoin Taillon rendait son témoignage ... M. CAUCHON ... demanda que les deux avocats fussent éloignés, car, disait-il, bien que je sois sûr qu'il n'y a ni connivence, ni intention d'intervenir dans le témoignage, le résultat est le même, et le témoin entend les conversations que les avocats ont naturellement entre eux.²⁶

M. Pope se leva précipitamment, voulut prononcer quelques mots, puis se retira.²⁷

L'autre [M. Rhéaume] voulut parler, la chambre ne voulut pas l'entendre; il voulut lui donner une explication; elle refusa également de l'écouter.²⁸

L'interrogatoire fut donc repris.²⁹

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And then he was directed to withdraw.³⁰

COL. PRINCE se leva et conjura M. Cauchon d'avoir miséricorde et de laisser échapper sans punition cet officier-rapporteur, qui, disait-il, n'avait pêché que par ignorance de la loi.

"Je vous conjure, je vous implore, dit-il, de le laisser aller; il est assez puni d'avoir paru plusieurs fois à la barre de cette chambre, et vous n'en souffrirez pas, car vous avez été porté dans cette chambre par l'immense majorité des électeurs de votre comté. Je me rappelle qu'il y a de cela plusieurs années, M. Cameron avait fait descendre à Montréal l'officier-rapporteur du comté de Kent, pour un motif semblable. M. Cameron, voyant que cet officier-rapporteur avait fait trois cents lieues de chemin pour subir son procès, lui dit: vous êtes assez puni, vous pouvez vous en retourner. Imitiez ce noble exemple, vous rendrez du reste un grand service au pays, en lui économisant de l'argent."³¹

MR. CAUCHON répondit qu'il n'était pas maître d'abandonner la question; qu'elle était sous le contrôle de la chambre; que, si celle-ci décidait qu'il fallait continuer l'enquête, il était prêt à la continuer; mais que si elle jugeait au contraire que c'était assez de punition, et qu'il était mieux de couper court à une enquête qui durerait plusieurs autres séances, il n'y objecterait pas; que pour lui, il n'avait pas besoin d'autre satisfaction que

celle de son triomphe éclatant au comté de Montmorency, et que s'il avait agi en cette occasion, c'était uniquement à la prière de ses électeurs dont les droits avaient été violés.³²

COL. PRINCE proposa de remettre indéfiniment l'enquête³³.

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Mr. Prince moved, seconded by Mr. Clapham, and the Question being put, That the further hearing of the allegations against Louis Célestin Lefrançois, Esquire, Returning Officer at the late Election for the County of Montmorency, be postponed; the House divided: and the names being called, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Chapais, Christie of WENTWORTH, Clapham, Dubord, Dumoulin, Fortier, Gouin, Hincks, Jobin, Lemieux, McDonald of CORNWALL, Mattice, Morin, Prince, Sanborn, Terrill, Turcotte, Varin, White, and Willson.--(21.)

NAYS.

Messieurs Burnham, Laurin, Malloch, Murney, Attorney General Richards, Robinson, Smith of DURHAM, Valois, and Viger.--(9.)

So it was resolved in the Affirmative.³⁴

The Order of the day for the second reading of the Bill to amend the Act for better securing the Independence of the Legislative Assembly of this Province, being read;

Ordered, That the Bill be read a second time on the seventh day of March next.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, laid before the House, by Command of His Excellency the Governor General:--Tables of Trade and Navigation of the Province of Canada, for the year 1852.

For the said Tables, see Appendix (A.)

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Attorney General Richards, seconded by the Honorable Mr. Robinson,

The House adjourned.³⁵

APPENDIX: 21 FEBRUARY 1853.

[NOTICE OF MOTION RE: HIGHWAY SAFETY AND REGULATION.]³⁶

MR. DIXON [gave notice that] on Wednesday next [he will introduce a] Bill to provide for the safety of Her Majesty's subjects and others, on the High Ways of this Province, and to regulate the travelling thereon.³⁷

[NOTICE OF MOTION RE: AMENDMENT OF MONTREAL FIRE SUFFERERS' RELIEF ACT.]³⁸

MR. INSP. GEN. HINCKS [gave notice that] on Wednesday next [he will introduce a] Bill to amend the Act of the present Session for the relief of the Sufferers by the late Fire at Montreal.³⁹

[NOTICE OF MOTION RE: REGULATION OF POT AND PEARL ASH INSPECTION.]⁴⁰

MR. INSP. GEN. HINCKS [gave notice that] on Wednesday next [he will introduce a] Bill to regulate the Inspection of Pot and Pearl Ashes.⁴¹

[NOTICE OF MOTION RE: EXTENSION OF MARRIAGE SOLEMNIZATION BILL TO BOTH U.C. AND L.C.]⁴²

MR. BROWN [gave notice that] when the House is moved into Committee on Bill (No. 213) relative to solemnization of Marriages, [he] will move to amend it, so that its provisions shall be applicable to both Sections of the Province.⁴³

[NOTICE OF MOTION RE: LABRADOR TRADE AND FISHERIES PETITIONS.]⁴⁴

MR. R. CHRISTIE (Gaspé) [gave notice that] on Thursday next [he would move] to refer the Petitions of Matthew Warren and others, and of William Henry Ellis and others, relating to the Trade and Fisheries ... [on the coast of] Labrador.⁴⁵

[NOTICE OF QUESTION RE: REPLACEMENT OF MILITIA OFFICERS IN THE ST. FRANCIS DISTRICT.]⁴⁶

MR. SANBORN [gave notice that] on Wednesday next [he would make an] Enquiry of Ministry, whether it is intended to recommend to His Excellency, the Governor General, the appointment of Officers of Militia to fill the vacancies existing in the District of St. Francis, consequent upon the removal and resignation of such Officers in that District, whereby the Militia is rendered inefficient in allaying disturbances of the Peace.⁴⁷

[QUESTION AND ANSWER RE: RETURN TO ADDRESS ABOUT SALARIES OF L.C. OFFICERS OF JUSTICE.]⁴⁸

MR. STUART then, according to notice, put the following "enquiry of Ministry, how it has happened that no Return has yet been received to an Address of this House, of the 3rd September last, for a statement of sums of money received by each of the officers of justice in Lower Canada, under the 13th and 14th Vic., cap. 37, assigning fixed annual salaries to such officers, and forming a special fund out of the salaries attached to their offices, and other information as to the working of that Act."⁴⁹

MR. INSP. GEN. HINCKS in reply pointed to a large pile of papers on the desk before him, saying⁵⁰, these books (putting his hands on two large volumes) were sufficient answer to delay in bringing down the return⁵¹ and with much warmth attacked him for what he considered the impertinence of his enquiry

and the insulting tone of voice and manner in which it had been made, saying that the hon. member for Quebec was the only member of the House who, indeed, showed such uncourteous behaviour, and accused him of having done so on former occasions. The cost of preparing these papers amounted, he said, to 1147., and⁵² it ... would cost much more if printed, while probably⁵³, after all, no one but the hon. member who asked for them, would ever look into them. When Government, the Inspector General continued, assent to a motion of any kind, they do so in perfect good faith, and with every desire to give the information required, but it is not to be expected that this can be done in the space of twenty-four hours, and to put motions upon the paper such as that just made, conveys the impression that the Government are unwilling to grant information, or are neglecting their duty.⁵⁴

Some conversation [ensued]⁵⁵.

MR. STUART rose to reply to the attack of Mr. Hincks⁵⁶.

[He] was called to order from the ministerial benches.⁵⁷

MR. STUART ... appealed ... to the Speaker⁵⁸.

MR. J.S. MACDONALD the SPEAKER ... allowed him to proceed⁵⁹ though not in order, in consequence of Mr. Hincks having been allowed the same privilege.⁶⁰

MR. STUART [proceeded:] He warmly denied that there was anything discourteous in the enquiry that he had made, or in the manner in which it was put, and bitterly retorted upon the hon. Inspector General for making such an attack upon him, supported as he was by a large majority in the House. He (Mr. Stuart) had not made this enquiry in his individual capacity, but as the representative of a by no means unimportant constituency. What right had the Inspector General to state, or to prescribe to him (Mr. Stuart) the terms in which he was to address him.⁶¹ He stated there was nothing extraordinary in the question which he had put; but if there were anything extraordinary it was the assumption of the Inspector General to lecture him, in the manner he had undertaken to do.⁶² He had merely asked how it was that certain documents had not been presented to the House after a motion for their production had been before Government for a considerable time, and when he did so the Inspector General accused him of impertinence. It is not, he said, for that gentleman, because he happens to have at present a majority in the House, to lecture him on the tone in which he was to address him. If he had transgressed the rules of the House it was the duty of the Speaker to call him to order. There had been abundance of time in which to have produced these papers and he considered that the Inspector General was guilty of a neglect of his duty, in not having had them prepared long before this! He (Mr. Stuart) could not conceive how the papers for which he had asked came to be so very voluminous, and he should certainly take an early opportunity of looking into them.⁶³

Hear, hear, from MR. INSP. GEN. HINCKS.⁶⁴

MR. STUART [continued:] He had no doubt that the Inspector General would be much better pleased with a tone of subserviency and obsequiousness than with one of independence, but neither obsequiousness nor subserviency would the Inspector General meet with from him, and if he expected it he would be much mistaken. He was ready to meet that gentleman on terms of equality, but to show any more deference to him than to any other member of the Government or of the House, he had no idea of.⁶⁵

[QUESTION AND ANSWER RE: DELAY IN PRODUCTION OF RETURN.]⁶⁶

MR. STUART read another question of his, which appeared on the printed list of orders, but it appears the return he asked about had been sent down.⁶⁷

MR. INSP. GEN. HINCKS took the occasion, to say that the hon. member's questions were framed in a manner different from those of other members.⁶⁸

FOOTNOTES: 21 FEBRUARY 1853.

1. GLOBE, 3 March 1853, commented as follows: "There have been a number of arrivals this morning, so that the benches begin to look well-filled. Among the arrivals are Messrs. Smith of Durham, Street, Badgley and George Wright. There is a rumour that Mr. Boulton will not return from Europe in time to take his seat during the present session."
2. GLOBE, 1, 3 March 1853, reported the presentation of this petition. The following papers noted its presentation in identical accounts: HAMILTON SPECTATOR DAILY, 22 February 1853, PILOT, 22 February 1853, EXAMINER, 23 February 1853, MORNING CHRONICLE, 23 February 1853, MONTREAL GAZETTE, 25 February 1853, HAMILTON SPECTATOR DAILY, 1 March 1853 (which copied from QUEBEC MERCURY of unknown date), and NORTH AMERICAN WEEKLY, 10 March 1853.
3. GLOBE, 1 March 1853.
4. GLOBE, 3 March 1853, which remarked that Mr. Brown "was heard with an unusual degree of attention by the whole House."
5. GLOBE, 1 March 1853.
6. IBID., 3 March 1853.
7. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 23 February 1853, and LA MINERVE, 1 March 1853. The debate was also reported by GLOBE, 1 March 1853. The following papers noted the debate in partially identical accounts: MONTREAL GAZETTE, 25 February 1853, and HAMILTON SPECTATOR DAILY, 1 March 1853 (which copied from QUEBEC MERCURY of unknown date).
8. GLOBE, 1 March 1853.
9. MORNING CHRONICLE, 23 February 1853.
10. LA MINERVE, 1 March 1853.
11. MORNING CHRONICLE, 23 February 1853.
12. LA MINERVE, 1 March 1853.
13. MORNING CHRONICLE, 23 February 1853.
14. LA MINERVE, 1 March 1853.
15. MORNING CHRONICLE, 23 February 1853.
16. LA MINERVE, 1 March 1853.
17. MORNING CHRONICLE, 23 February 1853.
18. LA MINERVE, 1 March 1853.
19. MORNING CHRONICLE, 23 February 1853. HAMILTON SPECTATOR DAILY, 1 March 1853, noted that Mr. Clapham's remarks "were for the most part inaudible in the gallery in consequence of noise in the House."
20. GLOBE, 1 March 1853.
21. MORNING CHRONICLE, 23 February 1853.
22. GLOBE, 1 March 1853.
23. MORNING CHRONICLE, 23 February 1853.
24. GLOBE, 1 March 1853.
25. Discussion during this examination of witnesses and debate on the motion for postponement were reported by JOURNAL DE QUEBEC, 24 February 1853, which interspersed its account with commentary. The discussion during the examination was also reported by GLOBE, 3 March 1853. The examination of witnesses was noted in partially identical accounts by: MORNING CHRONICLE, 25 February 1853, and GLOBE, 5 March 1853; PILOT, 22 February 1853, HAMILTON SPECTATOR DAILY, 23 February 1853, MORNING CHRONICLE, 23 February 1853, MONTREAL GAZETTE, 25 February 1853, and HAMILTON SPECTATOR DAILY, 1 March 1853 (which copied from QUEBEC MERCURY of unknown date).
26. JOURNAL DE QUEBEC, 24 February 1853, which commented that "les deux avocats conversaient ensemble de manière à être entendus jusqu'après de l'orateur même."

27. JOURNAL DE QUEBEC, 24 February 1853.
28. IBID.
29. JOURNAL DE QUEBEC, 24 February 1853. GLOBE, 3 March 1853, contained the following conflicting account of the incident: "An amusing scene occurred during the examination of one of the witnesses. He was standing just below the bar, with the counsel for the Returning Officer (Messrs. Pope and Rheaume) behind him--when Mr. Cauchon desired the Speaker to observe that the counsel were prompting the witness. Mr. Rheaume thereupon broke out with great indignation in denial of the allegation--pulled off his gown with tragic effect and marched out at the door!"
30. MORNING CHRONICLE, 23 February 1853, noted that "the examination of witnesses lasted all the evening."
31. JOURNAL DE QUEBEC, 24 February 1853.
32. IBID.
33. IBID.
34. JOURNAL DE QUEBEC, 24 February 1853, commented that "M. Cauchon ne crut pas devoir voter, pour laisser à la chambre toute son action, et toute la solidarité de son vote."
35. GLOBE, 3 March 1853, commented that "the House had but a short sitting."
36. The following papers reported this Notice of Motion in identical accounts: MORNING CHRONICLE, 25 February 1853, HAMILTON SPECTATOR DAILY, 1 March 1853 (which copied from QUEBEC MERCURY of unknown date), and JOURNAL DE QUEBEC, 25 February 1853.
37. MORNING CHRONICLE, 25 February 1853.
38. The following papers reported this Notice of Motion in identical accounts: MORNING CHRONICLE, 25 February 1853, HAMILTON SPECTATOR DAILY, 1 March 1853 (which copied from QUEBEC MERCURY of unknown date), and JOURNAL DE QUEBEC, 25 February 1853.
39. MORNING CHRONICLE, 25 February 1853.
40. The following papers reported this Notice of Motion in identical accounts: MORNING CHRONICLE, 25 February 1853, HAMILTON SPECTATOR DAILY, 1 March 1853 (which copied from QUEBEC MERCURY of unknown date), and JOURNAL DE QUEBEC, 25 February 1853.
41. MORNING CHRONICLE, 25 February 1853.
42. The following papers reported this Notice of Motion in identical accounts: MORNING CHRONICLE, 25 February 1853, HAMILTON SPECTATOR DAILY, 1 March 1853 (which copied from QUEBEC MERCURY of unknown date), and JOURNAL DE QUEBEC, 25 February 1853.
43. MORNING CHRONICLE, 25 February 1853.
44. The following papers reported this Notice of Motion in identical accounts: MORNING CHRONICLE, 25 February 1853, and HAMILTON SPECTATOR DAILY, 1 March 1853 (which copied from QUEBEC MERCURY of unknown date).
45. MORNING CHRONICLE, 25 February 1853.
46. The following papers reported this Notice of Question in identical accounts: MORNING CHRONICLE, 25 February 1853, and HAMILTON SPECTATOR DAILY, 1 March 1853 (which copied from QUEBEC MERCURY of unknown date).
47. MORNING CHRONICLE, 25 February 1853.
48. The following papers reported this Question and Answer in identical accounts: MORNING CHRONICLE, 23 February 1853, MONTREAL GAZETTE, 25 February 1853, PILOT, 26 February 1853, HAMILTON SPECTATOR DAILY, 1 March 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN SEMI-WEEKLY, 4 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The matter was also reported by GLOBE, 1 March 1853. The return referred to was presented on this day, 21 February 1853. See above page (493) 1654.
49. GLOBE, 1 March 1853.
50. IBID.
51. MORNING CHRONICLE, 23 February 1853.

52. GLOBE, 1 March 1853.
53. MORNING CHRONICLE, 23 February 1853.
54. GLOBE, 1 March 1853.
55. MORNING CHRONICLE, 23 February 1853.
56. GLOBE, 1 March 1853.
57. IBID.
58. IBID.
59. IBID.
60. MORNING CHRONICLE, 23 February 1853.
61. GLOBE, 1 March 1853.
62. MORNING CHRONICLE, 23 February 1853.
63. GLOBE, 1 March 1853.
64. IBID.
65. IBID.
66. The following papers reported this Question and Answer in partially identical accounts: MORNING CHRONICLE, 23 February 1853, MONTREAL GAZETTE, 25 February 1853, PILOT, 26 February 1853, HAMILTON SPECTATOR DAILY, 1 March 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN SEMI-WEEKLY, 4 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
67. MONTREAL GAZETTE, 25 February 1853. Mr. Stuart gave Notice of Questions relative to the delay of Returns for the Quebec Dock and Harbour, Quebec Marine Hospital, and Quebec Custom House on Monday, 8 November 1852.
68. MONTREAL GAZETTE, 25 February 1853.

TUESDAY, 22 FEBRUARY 1853.

(498)

THE Serjeant-at-Arms attending this House, informed the House, that he had taken Ovide LeBlanc, Esquire, into his custody.

(499)

Whereupon Mr. Lemieux acquainted the House, that he was desired by Mr. LeBlanc to state, That he was unable to attend in his place in the House on the fourteenth day of the present month of February, and that he has been unable to attend since, on account of illness in his family; and the same having been verified upon Oath by Mr. LeBlanc;

Ordered, That Ovide LeBlanc, Esquire, be discharged out of custody.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Badgley,--The Petition of the Company of Proprietors of the Champlain and St. Lawrence Railroad.

By Mr. Terrill,--The Petition of Lewis E. Rose and others, of the County of Stanstead.

By Mr. Christie of Wentworth,--The Petition of the Upper Canada Mining Company; and the Petition of the Grand River Navigation Company.

By Mr. Shaw,--The Petition of Thomas Maley and others.

By Mr. Turcotte,--The Petition of the Reverend D. Paradis and others, of the Parish of La Visitation de la Pointe du Lac, County of St. Maurice.

By Mr. Crawford,--The Petition of John Crawford, Esquire, and others, of the United Counties of Leeds and Grenville, and of Lanark and Renfrew.

By the Honorable Mr. Viger,--The Petition of Amable Archambeault and others, of the County of Leinster.

By Mr. Brown,--The Petition of John Cunningham and others, of the Township of Orford, County of Kent; and the Petition of John Stewart and others, of the Township of Orford, County of Kent.

By Mr. Cartier,--The Petition of the Company of Proprietors of the Champlain and St. Lawrence Railroad; the Petition of the St. Lawrence and Atlantic Railroad Company; the Petition of William Morrine, President, and others, the Commissioners of the River du Chêne Canal; and the Petition of John Fraser, Esquire, and others, Proprietors of Fiefs and Seigniories in Lower Canada.

By Mr. Willson,--Two Petitions of the Provisional Municipal Council of the County of Elgin.

By Mr. Sanborn,--The Petition of George N. Ridgway, Esquire, and others, of the Township of Dudswell, County of Sherbrooke; and the Petition of W.H. Webb and others, School Commissioners of the Township of Melbourne.

Mr. Cartier, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, informed the House, That John Langton, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Mr. Sicotte, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That Seneca Paige, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Mr. Lemieux, from the Standing Committee on Standing Orders, presented to the House the Twenty-first Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of John Boyd and others, for the annexation of Georgina to the County of York, and the Petitions of Robert Spence, Esquire, and of John Young and others, for the separation of the County

(500)

of Halton from Wentworth; and they find that the Notices required by the 64th Rule have been duly given.

The Petition of Mrs. Margaret Machar and others, for incorporation of the Widows and Orphans' Friend Association of Kingston, is not of a nature to require the publication of Notice.

Ordered, That Mr. Gamble have leave to bring in a Bill to repeal so much of the Act 32 Geo. 3, cap. 8, as applies to the appointment of the Keepers of Court Houses in the several Counties in Canada West, and to vest the same in the County Councils.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the second day of March next.

Resolved, That a Select Committee, composed of Mr. Sicotte, the Honorable Mr. Attorney General Drummond, the Honorable Mr. Badgley, Mr. Cartier, Mr. Polette, Mr. Lacoste, Mr. Sanborn, Mr. Chapais, and Mr. Christie of Gaspé, be appointed to enquire into the state of Education in Lower Canada, the working of the School Law, the efficiency of the Education Department in Lower Canada, and the means of rendering more effective the Legislative enactments adopted for the advancement of Education in Lower Canada, to report thereon with all convenient speed; with power to send for persons, papers, and records.

MR. PROV. SEC. MORIN¹ moved the House into Committee of the Whole on the bill for the maintenance of Lunatic Asylums in Lower Canada².

MR. RIDOUT ... [took] the Chair.³

(500)

The House, according to Order, resolved itself into a Committee on the Bill to make better provision touching the expense of maintaining Patients in the Lunatic Asylum in Lower Canada;

MR. PROV. SEC. MORIN ... made some explanations of his bill to the same effect as upon the second reading.⁴

MR. TURCOTTE trouve l'occasion, à propos de ce bill, de faire une tirade contre l'ignorance qui règne dans le Bas-Canada⁵.

Several clauses of the bill were read and⁶ several trifling amendments to the bill as originally framed were adopted.⁷

Some conversation took place around the table, but was inaudible in the Reporter's Gallery.⁸

MR. BADGLEY called the attention of the Government to the fact that, in many cases, insane persons were sent to this country from different parts of the United Kingdom by the Parochial authorities for the purpose of ridding themselves of the burden, as was proved by the small proportion of people born in this country that were found in the asylum at Toronto. The Hon. member therefore, suggested the propriety of making some alteration in that part of the bill relating to foreigners, to meet this case.⁹

MR. PROV. SEC. MORIN admitted that some check of the kind was necessary, but thought it would be better to establish it by executive regulation.¹⁰

Objections were also made to the power conferred by the bill on magistrates

to commit insane persons to the Asylum, and also that no proper provision was made for the care of the property of insane persons during their confinement.¹¹

By the consent of the hon. MR. PROV. SEC. MORIN, further consideration of the bill was postponed for a future day.¹²

(500)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Ridout reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Friday the fourth day of March next.

On motion of the Hon. MR. INSP. GEN. HINCKS,¹³ the House went into Committee of the Whole on the bill to extend the Elective franchise, and provide for the Registration of voters¹⁴.

MR. CAUCHON ... [took] the Chair.¹⁵

(500)

The House, according to Order, resolved itself into a Committee on the Bill to extend the Elective Franchise, and better to define the Qualifications of Voters in certain Electoral Divisions by providing a system for the registration of Voters;

MR. INSP. GEN. HINCKS ... stated the bill had been read a second time without opposition, and he¹⁶ did not anticipate any opposition to the principle of this measure, though there might be different opinions as to the best means of carrying them out. At any rate he wished to have the fullest discussion upon all points connected with it. He then moved that the amount of assessment necessary to give householders in towns and cities a vote at the election of a representative in Parliament should be on rental of real property worth £7 10s. per annum¹⁷.

[The motion] was declared carried, though frequent allusion was made to this clause in the debate that followed upon other clauses of the bill.¹⁸

MR. INSP. GEN. HINCKS [continued:] He then moved that assessment on freehold property worth £50 currency, should be necessary to qualify a voter. By the existing law, he remarked, the amount of freehold property necessary for conferring the elective franchise must be assessed at 40s. sterling per annum. The amount he proposed would be equivalent to £3 currency per annum, so that there would in reality be but a very trifling difference in the amount of assessment.¹⁹

MR. GAMBLE said that the next step after the passing of this law would be universal suffrage. He would not say, however, that he was prepared to oppose even that. If this law were carried, there would be but very few excluded from the suffrage; for in most cases in Upper Canada the jurors were chosen from persons assessed at £35 and upwards, and that that limit was found to be going as low as they dared to go. By going one step lower almost every person of the age of 21 years would have a vote in the election of members of the counties. He felt, in common with almost every person in Canada West, that there is at present a class existing there who are not electors, but who are not only equally intelligent, but in some cases more wealthy than many who are entitled to vote under the 40s. freehold. He alluded to the tenant farmers, many of whom possessed much property, which did not, however, entitle them to the right of voting, a right which he considered they ought to possess. He considered the amount proposed quite low enough, but he did not understand

what had induced the ministry to bring in this bill at all, for he was not aware that any very strong opinion had been expressed in Upper Canada in favour of it, and it seemed to him that in many of the changes proposed in this bill, public opinion had been anticipated rather than followed.²⁰

MR. INSP. GEN. HINCKS said there was another class of proprietors to whom the bill proposed to extend the suffrage, who laid large sums into the general revenue, but not having obtained their deeds, were unable to vote at elections, though otherwise well qualified to do so, such as holders of Clergy Reserves and Crown lands. He did not think that this measure at all tended to universal suffrage. All such changes as it contemplated should, he thought, be very gradual, and he was very happy to find that this measure was going to meet with so little opposition from the member for South York.²¹

MR. GAMBLE did not understand upon what principle the Government based this measure. If it was to be upon the principle of giving votes to all who contributed to the general revenue, then every man who smokes a pipe of tobacco or drinks a cup of tea would be entitled to the franchise.²²

MR. BADGLEY did not see that there was any principle involved in that part of the bill, for the property qualifications of the voters were arbitrarily fixed at such amounts as were thought most consistent with their other qualifications.²³

MR. INSP. GEN. HINCKS remarked that the £10 franchise in the towns was found a very inconvenient one, for 10 $\frac{1}{2}$ l. currency was a common amount paid for rent, whereas the qualification was in sterling money, by which means all those nominally paying 10 $\frac{1}{2}$ l. rent were disqualified. 5 $\frac{1}{2}$ l. per annum had been mentioned as a fitting amount, but that he thought much too low. It was, however, a very different matter to fix upon any sum that would represent an equal amount all over the country, for rents varied so much in different places. He did not think that any measure by which a real change in the franchise was intended could have been framed in a more moderate spirit.²⁴

The motion for filling up²⁵ the second blank to qualify voters in parishes and townships²⁶ with 50 $\frac{1}{2}$ l.²⁷ assessed value of property²⁸, was then agreed to.²⁹

The second clause [which] qualified co-proprietors or co-tenants to vote severally, if their several shares were of £50 assessed value, or £7 10s. yearly value [was passed]³⁰.

MR. INSP. GEN. HINCKS then spoke of the next clause of the bill which had reference to persons who had not paid up all their instalments on crown property.³¹ [He] said its object was to give the franchise to a large number of persons who hitherto have not had it.³² He would not hinder such parties from voting because they had not paid all their instalments and obtained their deeds, but if they were to arrear in their instalments he thought they should not be allowed to vote, and that by establishing such a rule it would have a very good effect in making persons pay up their instalments more punctually than they had done heretofore. He could not see how any one could be entitled to vote who had not fulfilled their engagements.³³

DR. FORTIER asked for time for consideration, as he considered the matter of vital importance, and wanted time to make up his mind.³⁴

MR. BADGLEY asked some questions³⁵.

MR. INSP. GEN. HINCKS replied to the same effect as his first remarks³⁶. [He] stated ... that by the proposed measure, if one of the class alluded to

had paid up 50%. and did not then owe anything on his land, that is, was not in arrears for the remainder of the purchase money, he would be entitled to vote. A man who was in arrears with his instalments would not be allowed to vote, even if he had paid more money than was otherwise necessary to qualify him.³⁷ [He] added he had no objection to postpone this clause.³⁸

MR. GAMBLE said, that as he understood the clause, it would enable a man to vote upon land which he had agreed to purchase, and which was assessed at 50% currency, even though he had paid only 10% upon it, provided that he was not in arrears for the remainder of his purchase money.³⁹

This view of the case was disputed by some hon. members⁴⁰.

MR. INSP. GEN. HINCKS ... stated that such was the intention of the clauses.⁴¹

A long discussion then ensued, as to the danger that might arise from the influence of the Government upon the holders of crown lands, who had not paid up all their instalments.⁴²

MR. INSP. GEN. HINCKS thought it would be a very dangerous thing if persons who were in arrears with their payments to the crown were allowed to vote, for the influence of Government could, in that case be so easily exerted, but he thought that by the plan he recommended all danger would be avoided, and that it would be the safest that could be adopted.⁴³

MR. HARTMAN, though highly approving of the bill, did not think that that part of it referring to tenants would have the desired end if there was not some restriction put upon the powers that their landlords would have over them. He considered that in order to effect this, the vote by ballot should be included in the bill. (No, no, from the opposition.) In this way the reform bill in England had failed in its object, and he had almost made up his mind on that account to oppose any extension of the franchise unless it were accompanied by the vote by ballot.⁴⁴

MR. DIXON thought that the very course adopted by the Inspector General would be the one to throw an undue influence into the hands of the Government.⁴⁵ [He] said the bill appeared to be to him an interference with the present franchise, and an injustice to persons who had made a position in the country. He also thought it would tend to corruption.⁴⁶

MR. INSP. GEN. HINCKS begged the hon. member for London to explain how that could be?⁴⁷

MR. DIXON said that if a tenant of Crown Lands⁴⁸, a man who had paid nine instalments and failed in paying the tenth⁴⁹, was a few pounds in arrears, and his vote was wanted by the Government, it would be very easy for some agent of the latter to give him to understand that if he voted in a particular way his little matters should be properly settled. (Hear, hear.)⁵⁰ The government could easily find means of doing that.⁵¹

MR. BROWN said it was quite clear that that argument would apply either way. The list of persons in arrear would be patent to both parties and either could use that argument to the voter. There might be two effects from the clause under discussion. It might have the effect of hurrying the payment of arrears of moneys due to the Crown, and it might secure the public from the exercise of undue influence by the Ministry of the day over debtors of the Crown.⁵² [The] second [was] to give a new class of persons the right of voting. The principle of the first he did not think was correct.⁵³ There was much force in the objection urged by the member for North York about the

undue influence that might be exercised by Government, and in a county where there were whole hosts of persons indebted to the Government, a very strong influence might be exercised on this latter ground alone. He felt favourable to the clause. The only objection to it, he thought, lay in this that it would interfere with the simple working of the registration. Lists of those in arrear to Government, were to be made out, and exposed to the public; then there had to be a registry court and witnesses and appeals, and a vast deal of trouble. He thought it would be much more simple and satisfactory to give the franchise to the parties who stood registered on the assessment books as having paid tax on real estate of a certain value.⁵⁴ Names of others might easily be left out of lists to be furnished to the municipalities by the Commissioner of Crown Lands.⁵⁵

MR. BADGLEY considered the clause unjust. A small proprietor who had paid all his purchase money to the Crown would have the right to vote, while a person who had made a large purchase, and paid more money, but who had failed in paying the last instalment, would not have the right to vote. He also contended there was room for corruption in the arrangement.⁵⁶

MR. INSP. GEN. HINCKS said that it would be impossible for any government to exercise corruption in the way Mr. Dixon spoke of; for to do so they would have to prepare lists in the public office expressly for the purpose of seeing who were in arrears. This means of corruption could be much more easily resorted to by the different candidates.⁵⁷ He argued rather that the Government might influence parties indebted to the crown if they were allowed to vote. With respect to Mr. Brown's objection he stated that he did not believe the people of this country would submit to the expense of the English system of registration; and he believed the friends of the candidates, or the parties, would be sufficient check, against leaving out the names of voters from the lists furnished by the Commissioner of Crown Lands.⁵⁸ He was quite sure that there was no danger in this country of any landlord influence, such as was exercised in England. Tenants in this country were in a different position, and were as independent as any other class, and he did not think that any danger was to be apprehended from that source. With regard to tenants of the crown, he thought it would be a very difficult thing so to frame the bill as to meet all the exigencies of the case, but he did not think it could be more effectually done than in the manner he proposed. With regard to the vote by ballot, and the argument that it would have the effect of avoiding corruption, he, for his part, did not think that in this country there was any necessity for the ballot, or that it would have any practical effect. (Hear, hear.) The argument, brought in favor of its establishment in England did not apply in this country, and whether it would be beneficial there or not is no concern of ours. He did not think that in the United States it had any effect, for persons there did not care in the least how they voted, nor did they in this country particularly as the politics of every man were known, and there could be no doubt as to how he would vote. He did not think that there was any class which required the protection of the ballot.⁵⁹

MR. CHRISTIE.--The Canada Company's settlers in the County of Huron for instance!⁶⁰

MR. INSP. GEN. HINCKS could not speak for every particular locality, but no doubt a few extreme cases could be made out in which it might be useful.⁶¹

MR. DIXON wanted to know by what right a man paying only £7 10s. per annum could have a vote, when a man who had bought 400 acres of land, for 300 of which he had paid, was to be excluded?⁶²

MR. INSP. GEN. HINCKS could only say that it was necessary to establish some general rule, under which of course some hardships would always be found.⁶³

MR. ROSE supported the bill. He did not see that it could work any injustice.⁶⁴ [He] thought at first there was some hardship in parties holding from the crown who might be in arrears, not being allowed to vote, but he saw that there was a necessary restriction to avoid the danger of corruption. He spoke at some length of the independence of tenants in political matters saying that they were not at all under the influence of their landlords.⁶⁵

MR. STREET [OR] MR. STUART⁶⁶ observed that this clause provided for the Commissioner of Crown Lands preparing a list of the persons indebted in instalments to the Crown. Now to carry that out he thought it would be necessary to have a complete change of the Crown Lands system, so as to make all instalments come due on a certain day. Otherwise an instalment might come due after the Crown Lands Commissioner had transmitted his list, and then the person in arrear [sic] would go up and vote, only because he was not on the list of defaulters.⁶⁷ He did not understand why there should be such a wide distinction made between tenants of the crown and tenants of private individuals. He did not like to entertain the idea of any Government being so corrupt as to take any advantage of tenants being in arrears. It was much more probable that individuals would do so.⁶⁸ Land might be granted by individuals without any money being paid at all; yet the grantees in that case could vote, though tenants of the Crown could not. If a candidate desired to be elected where there were many Crown tenants, he might go forward and pay their debts to the Crown in order to get their votes.⁶⁹

Hear, hear from MR. INSP. GEN. HINCKS.⁷⁰

MR. STREET [OR] MR. STUART: Well the gentleman might say hear! but he thought all tenants should be treated alike.⁷¹

MR. BROWN objected to two votes being allowed for the same property as proposed by this bill; under it both landlord and tenant would have the right to vote. He thought that whichever of the parties paid the taxes should alone be allowed to vote. Any other system would he thought open the door to corruption. Suppose a case: a man might buy 500 acres of wild land, paying not a penny of money for it, but giving a mortgage for the amount; he might then lease it in ten portions to ten persons--get their names on the assessment roll, as lease holders, and the whole eleven would have votes, though without a sixpence of interest in the land!⁷² The employer of a number of mechanics for example might give them all a vote a piece and yet keep his own vote.⁷³

MR. STEVENSON conceived that the wording of some of the clauses ought to be rendered more precise, by declaring that no one but the actual owner or tenant should be assessed. He approved of the clause to prevent crown tenants in arrear from voting; to allow them to vote would be to give rise to great corruption.⁷⁴

The 4th clause ... [was] proposed⁷⁵.

MR. MURNEY mentioned his opinion that a registration would be a great blessing if properly carried out; but he feared that this registration committed to assessors would lead to great injustice. Assessors were partizans, and they might readily go to a man with a large family of their own way of thinking and assess his property in a divided manner so as to give a vote to each of the proprietor's children, although only the father himself was legally entitled to one.⁷⁶

MR. INSP. GEN. HINCKS conceived that this could not be the case, because

the assessors could not do as they liked. There was an appeal, to a properly constituted court, perhaps not to so good a court as the county Judge, but which would be narrowly watched by the rival parties so as to prevent frauds of the kind spoken of.⁷⁷

MR. BROWN conceived that if there were an appeal, the Judge could not, with the law as now drawn, decide against such an assessment as that just described. What was to prevent parties dividing their holdings in this way? The only security was to give the vote either to the actual proprietor or to the actual holder of a lease under him.⁷⁸

MR. GAMBLE thought that was the only real protection, and that care ought to be taken to enforce it.⁷⁹

MR. BADGLEY also conceived the clause ought to be better considered, especially as it related to Lower Canada, so as to secure elections from the⁸⁰ wholesale manufacture of votes⁸¹ not bona fide⁸² which sometimes took place⁸³. Nominal leases might otherwise be granted, as they had been granted in Montreal, merely to make [sic] votes.⁸⁴ In Montreal upon one occasion no less than 150 votes were manufactured by one of the parties.⁸⁵ In Lower Canada, as the bill was at present drawn, the only security was to be the oath of the voter that he was in legal possession.⁸⁶

MR. MURNEY wanted to know what protection would be afforded by this bill against a man of influence and large property giving false leases to parties who would never be called upon to pay a sixpence for taxes.⁸⁷

MR. STEVENSON gave several instances to the fraudulent way in which votes were made.⁸⁸ [He] would suggest the advisability of imposing some check upon the practice occasionally resorted to of fathers giving deeds to their sons of parts of their properties, executing the deed perhaps on the very day before the election, and as the sons had been living on the property they evaded the oath.⁸⁹

DR. LATERRIERE ... thought it desirable, as there was a call of the House for the first proximo, and the bill was complicated, that nothing should be done till all the members assembled; and ... held that it would be unjust to deprive certain holders of land, though without titles, of their votes.⁹⁰

MR. INSP. GEN. HINCKS moved that the Committee rise, report progress and ask leave to sit again on Friday⁹¹ as so much difference of opinion appeared to prevail as to this clause of the bill⁹².

MR. DUBORD moved in amendment that the Committee should sit again on Friday week.

Mr. Dubord accompanied his amendment by a remark that he did not believe the ministry understood the bill themselves; that it was brought in in haste; and that it was attempted to be forced through, though all sorts of amendments were permitted.⁹³

MR. INSP. GEN. HINCKS replied that all these statements were incorrect, and that he cared no more for the opinion of Mr. Dubord than for that of any person outside the House.⁹⁴

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Cauchon reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Friday next.

MR. DUBORD rose to speak⁹⁵.

MR. J.S. MACDONALD the SPEAKER said the main motion was carried.⁹⁶

MR. DUBORD said he would move an adjournment (laughter.) The hon. member having moved the adjournment attempted to reply to Mr. Hincks; but was met with general laughter and cries of no discussion, on this motion.⁹⁷

MR. INSP. GEN. HINCKS then moved the postponement of the orders⁹⁸.

MR. DUBORD complained of the rapidity with which he had put the motion for the Committee to sit again on Friday, especially of its not having been put in French.⁹⁹

MR. J.S. MACDONALD the SPEAKER then put the motion for the postponement of the orders.¹⁰⁰

MR. DUBORD.--En Français s'il vous plait. I do'nt [sic] understand English (laughter.)¹⁰¹

The Clerk read the motion in English, which was carried¹⁰².

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Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Badgley,

The House adjourned.

APPENDIX: 22 FEBRUARY 1853.

[NOTICE OF MOTION RE: AMENDMENT OF ACT AUTHORIZING GRAND RIVER NAVIGATION COMPANY TO BORROW.]¹⁰³

MR. D. CHRISTIE (Wentworth)--Donne avis qu'il fera motion, jeudi prochain, pour qu'il lui soit permis d'introduire un bill pour amender l'acte, autorisant la compagnie de navigation de la Grande Rivière à se procurer une certaine somme d'argent au moyen d'un emprunt.¹⁰⁴

[NOTICE OF MOTION RE: AMENDMENT OF ACT INCORPORATING UPPER CANADA MINING COMPANY.]

MR. D. CHRISTIE (Wentworth) [gave notice that] on Thursday next [he will introduce a] Bill to amend the Act incorporating the Upper Canada Mining Company.¹⁰⁵

[NOTICE OF MOTION RE: ADDITIONS TO ASSESSMENT LAW PETITION COMMITTEE.]

MR. RIDOUT [gave notice that] on Thursday next [he will move] that Messrs. Hartman and Brown be added to the Select Committee to whom has been referred the Petition of Bryce, McMurrich & Co., and others, Merchants of Toronto, on the subject of the Assessment Law.¹⁰⁶

[NOTICE OF MOTION RE: SUPPLIES COMMITTEE.]¹⁰⁷

MR. INSP. GEN. HINCKS--Donne avis qu'il proposera, demain, que cette chambre se forme en comité, vendredi prochain, pour prendre en considération les subsides à voter à Sa Majesté.¹⁰⁸

[NOTICE OF QUESTION RE: LUNATIC AND INSANE IMMIGRANTS.]¹⁰⁹

MR. DUBORD--demain--Demandera à l'administration si c'est son intention de présenter un acte qui aurait pour but de renvoyer au port d'où ils sont venus¹¹⁰ all lunatics and insane persons that may be sent to this Province; or else, what they intend to do in the matter.¹¹¹

FOOTNOTES: 22 FEBRUARY 1853.

1. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 23 February 1853 (which misdated its account as 23 February 1853), MONTREAL GAZETTE, 28 February 1853 (which misdated its account as 23 February 1853), HAMILTON SPECTATOR DAILY, 3 March 1853 (which copied from MORNING CHRONICLE and also misdated its account as 23 February 1853), and BRITISH COLONIST, 4 March 1853. The debate was also reported by: GLOBE, 5 March 1853; and LA MINERVE, 1 March 1853.
2. GLOBE, 5 March 1853.
3. IBID.
4. MORNING CHRONICLE, 23 February 1853.
5. LA MINERVE, 1 March 1853, which commented as follows: "[C'est la] tirade qu'il fait chaque fois qu'un prétexte s'en présente. Il est malheureux que M. Turcotte ait si mauvaise opinion de son pays, et qu'il fasse parade de cette opinion devant des étrangers, qui ont à coeur de déprécier notre population."
6. MORNING CHRONICLE, 23 February 1853.
7. GLOBE, 5 March 1853.
8. MORNING CHRONICLE, 23 February 1853.
9. GLOBE, 5 March 1853.
10. IBID.
11. IBID.
12. IBID.
13. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 23 February 1853 (which misdated its account as 23 February 1853), PILOT, 26 February 1853 (which misdated its account as 23 February 1853), MONTREAL GAZETTE, 28 February 1853 (which misdated its account as 23 February 1853), HAMILTON SPECTATOR DAILY, 3 March 1853 (which copied from MORNING CHRONICLE, and also misdated its account as 23 February 1853), BRITISH COLONIST, 4 March 1853, NORTH AMERICAN SEMI-WEEKLY, 4 March 1853 (which misdated its account as 13 February 1853), NORTH AMERICAN WEEKLY, 10 March 1853 (which misdated its account as 13 February 1853), and LA MINERVE, 1 March 1853. The debate was also reported by GLOBE, 5 March 1853. It was noted by HAMILTON SPECTATOR DAILY, 23 February 1853.
14. GLOBE, 5 March 1853. GLOBE, 3 March 1853, commented that "Mr. Hincks ... had on a previous evening announced the Ecclesiastical and Charitable Corporation Bill, the Toronto University Bill, and the supplies of 1852, as the work to be taken up first--and the change to the Franchise Bill took the House by surprise."
15. GLOBE, 5 March 1853.
16. MORNING CHRONICLE, 23 February 1853.
17. GLOBE, 5 March 1853.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. MORNING CHRONICLE, 23 February 1853.
27. GLOBE, 5 March 1853.

28. MORNING CHRONICLE, 23 February 1853.
29. GLOBE, 5 March 1853.
30. MORNING CHRONICLE, 23 February 1853.
31. GLOBE, 5 March 1853.
32. MORNING CHRONICLE, 23 February 1853.
33. GLOBE, 5 March 1853.
34. MORNING CHRONICLE, 23 February 1853.
35. IBID.
36. IBID.
37. GLOBE, 5 March 1853.
38. MORNING CHRONICLE, 23 February 1853.
39. GLOBE, 5 March 1853.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. MORNING CHRONICLE, 23 February 1853.
47. GLOBE, 5 March 1853.
48. IBID.
49. MORNING CHRONICLE, 23 February 1853.
50. GLOBE, 5 March 1853.
51. MORNING CHRONICLE, 23 February 1853.
52. GLOBE, 5 March 1853.
53. MORNING CHRONICLE, 23 February 1853.
54. GLOBE, 5 March 1853.
55. MORNING CHRONICLE, 23 February 1853.
56. IBID.
57. GLOBE, 5 March 1853.
58. MORNING CHRONICLE, 23 February 1853.
59. GLOBE, 5 March 1853.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. MORNING CHRONICLE, 23 February 1853.
65. GLOBE, 5 March 1853.
66. The following papers ascribed this speech to Mr. Street: MONTREAL GAZETTE, 28 February 1853, BRITISH COLONIST, 4 March 1853, NORTH AMERICAN SEMI-WEEKLY, 4 March 1853, GLOBE, 5 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The following papers ascribed the speech to Mr. Stuart: MORNING CHRONICLE, 23 February 1853, PILOT, 26 February 1853, and HAMILTON SPECTATOR DAILY, 3 March 1853.
67. MORNING CHRONICLE, 23 February 1853.
68. GLOBE, 5 March 1853.
69. MORNING CHRONICLE, 23 February 1853.
70. IBID.
71. IBID.
72. GLOBE, 5 March 1853.
73. MORNING CHRONICLE, 23 February 1853.
74. IBID.
75. IBID.
76. IBID.
77. IBID.

78. IBID.
79. IBID.
80. IBID.
81. GLOBE, 5 March 1853.
82. MORNING CHRONICLE, 23 February 1853.
83. GLOBE, 5 March 1853.
84. MORNING CHRONICLE, 23 February 1853.
85. GLOBE, 5 March 1853.
86. MORNING CHRONICLE, 23 February 1853.
87. GLOBE, 5 March 1853.
88. MORNING CHRONICLE, 23 February 1853.
89. GLOBE, 5 March 1853.
90. MORNING CHRONICLE, 23 February 1853.
91. IBID.
92. GLOBE, 5 March 1853.
93. MORNING CHRONICLE, 23 February 1853.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. MORNING CHRONICLE, 23 February 1853. GLOBE, 3 March 1853, reported that
"to the astonishment of the House, the Government had nothing ready to
proceed with, and Mr. Hincks moved the adjournment at a little after
7 o'clock!!"
99. MORNING CHRONICLE, 23 February 1853.
100. IBID.
101. IBID.
102. IBID.
103. The following papers reported this Notice of Motion in identical
accounts: GLOBE, 5 March 1853, and JOURNAL DE QUEBEC, 25 February 1853.
104. JOURNAL DE QUEBEC, 25 February 1853.
105. GLOBE, 5 March 1853.
106. IBID.
107. The following papers reported this Notice of Motion in identical
accounts: GLOBE, 5 March 1853, and JOURNAL DE QUEBEC, 25 February 1853.
108. JOURNAL DE QUEBEC, 25 February 1853.
109. The following papers reported this Notice of Question in partially
identical accounts: GLOBE, 5 March 1853, and JOURNAL DE QUEBEC, 25
February 1853.
110. JOURNAL DE QUEBEC, 25 February 1853.
111. GLOBE, 5 March 1853.

WEDNESDAY, 23 FEBRUARY 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Morrison,--The Petition of James S. Howard, Esquire, and others, members and friends of the Upper Canada Bible Society; and the Petition of

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the Reverend Alexander Sanson, and others, members and friends of the Upper Canada Religious Tract and Book Society.

By Mr. Brown,--The Petition of the Provisional Municipal Council of the County of Elgin; and the Petition of the Municipality of the United Townships of Camden and Zone.

By Mr. Willson,--Two Petitions of the Town Council of the Town of London.

By Mr. Ridout,--The Petition of Samuel Alcorn and others, of the Village of Yorkville and its neighbourhood.

By the Honorable Mr. Badgley,--The Petition of the Reverend William T. Leach, D.C.L., Incumbent, and others, Members of St. George's Church, Montreal.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Montreal Manufacturing Company; praying for the passing of an Act to increase the capital and extend the privileges of the said Company.

Of the Reverend L.J. Guyon and others, of the Parish of Ste. Elizabeth, County of Berthier; praying for aid in behalf of an Establishment for the purposes of Female Education and the care of the sick, erected in the Village of the said Parish and placed under the charge of the Sisters of Providence.

Of Louis Champagne and others, of Lavaltrie and other Parishes, in the County of Berthier; praying that the Provincial Public Debt may not be increased for the purpose of constructing a Railway from Quebec to Montreal on the North Shore of the River St. Lawrence.

Of Michael Naud and others, of Deschambault; of Baptiste Lepine and others, of Pointe aux Trembles; of the Reverend L.E. Bois and others, of the Parish of St. Joseph de Maskinongé; and of the Mayor and Councillors of the City of Quebec; praying for the incorporation of a Company for the construction of a Railway from Quebec to Montreal on the North Shore of the River St. Lawrence, and that the Provincial Guarantee may be extended thereto.

Of the Municipal Council of the County of Simcoe; praying that the Municipal Council Act may be so amended as to transfer the control of the Township Lines and the Roads thereon, from the County to the Township Councils.

Of Dunbar Ross, Esquire, and others, of the City of Quebec and parts adjacent; praying the adoption of measures for the formation of an Ice Bridge on the River St. Lawrence, at or near the said City during each Winter.

Of the Municipal Council of the United Counties of Essex and Lambton; praying for the passing of a general or special Act to enable the Reeves of the said County of Essex to raise funds by assessment on the County of Essex only, for the erection of a Gaol and Court House therein, and for the repair of the Grammar School of that County.

Of the Municipal Council of the United Counties of Essex and Lambton; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating Liquors, except for medicinal and mechanical purposes.

Of J.B. Lamère and others, School Commissioners of the Municipality of the Town of William Henry; praying for an annual grant to the said Municipality for the maintenance of two Schools therein conducted by "Les Frères des Ecoles Chrétiennes," and "Les Soeurs de la Charité."

Of the Municipal Council of the United Counties of Northumberland and Durham; praying for the passing of an Act to authorize the Municipalities to make use of any materials necessary for Public Improvements found on any Lands at a suitable

distance, on terms similar to those allowed by Chartered Companies.

MR. BROWN¹ moved that the petition² of Oliv[i]er Duval, Esq., and others, of the banlieue of the town of Three Rivers, representing the injustice of compelling them to pay taxes for the construction of a Cathedral church in the said town, in addition to the tithes and other rates now paid by them, while parties now residing within the limits of the said town, are exempted from the payment of the said tithes--and also stating their opposition to the alienation of the said Cathedral church in favour of the bishop of the diocese, and on other grounds praying relief in the premises³ be received and read.⁴

Several members from Lower Canada cried out "no, no!"⁵

MESSRS. DUMOULIN and FORTIER made objection to the reception of the petition⁶ on account of some of the names being, as they alleged, fictitious.⁷

MR. LAURIN and others, contended that no matter what the nature of the petition might be it should not be rejected, and the right of petition denied.⁸

MR. LAURIN said that to refuse to receive this petition would be a mere denial of justice. The petition ought not to be refused. If there were in it any thing which hurt the sentiments of the hon. member, he ought not to be the first to indicate this attack, because there was no allusion in it to any member personally.⁹

MR. DUMOULIN ... [said] some words¹⁰.

The opposition was withdrawn¹¹.

MR. J.S. MACDONALD the SPEAKER declared the reception carried.¹²

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Of Olivier Duval, Esquire, and others, of the Banlieue of the Town of Three Rivers; representing the injustice of compelling them to pay taxes for the construction of a Cathedral Church in the said Town, in addition to the tithes and other rates now paid by them, while parties residing within the limits of the said Town are exempted from payment of the said tithes; and also

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stating their opposition to the alienation of the said Cathedral Church in favor of the Bishop of the Diocese, and praying relief in the premises.

MR. BROWN rose¹³.

[He] was called to order by MR. TURCOTTE.¹⁴

MR. BROWN having claimed the right to reply¹⁵, said he had only a few words to say.¹⁶ What now took place was an admirable example of the system under which Lower Canada groaned.¹⁷ Mr. Speaker, when this matter was brought before the House during the first part of the Session, we were assured that there was no opposition to the measure¹⁸, but was that true? No!¹⁹ It appears not only that there is some objection made to it, but that there was opposition offered to it at the meeting held in the Parish church on the subject, and a regular notarial protest entered against the proceedings of the meeting, by the minority.²⁰

DR. FORTIER denied this assertion.²¹

MR. BROWN.--The hon. member for Nicolet denies this? Well, Sir, here is the document and let the gentleman sustain his denial if he can. (Mr. Brown here opened his desk and took from it the notarial protest, which he offered for the inspection of Dr. Fortier--but that gentleman did not accept the offer.

Mr. Brown continued:~) It is drawn in the most formal manner by one of the most respectable Notaries in Three Rivers. The whole conduct of the parties who seek to impose this tax is highly instructive. They come here and represent the community to be affected by their measure as unanimous in its favour; they conceal the opposition at the meeting--they conceal the notarial protest--they refuse to bring before this House the petition of the people against it--and now that the petition is presented in spite of them, they would have the House refuse to receive it! Sir, I think the gentlemen who cry "no, no," ought to feel ashamed of their conduct.²²

Cries of "oh, oh," and laughter from the members alluded to.²³

MR. BROWN [continued:] In such circumstances the member from Three Rivers refused to present the petition²⁴. Nothing could show more strongly the state of moral bondage to which Lower Canada is reduced, than the fact that the respectable citizens, who have addressed to us this petition, could find no member of this House among the many who reside near them, to present it for them, and had to seek a stranger, five hundred miles off, to enable them to exercise this first right among freemen. Aye, and when this simple courtesy is extended to them, these liberal gentlemen would have us refuse the petition--without argument--without reason--by an act of despotism unparalleled in this legislature!²⁵ When that stranger presented their petition, their own countrymen desired to stifle their voice. A more degrading spectacle to Lower Canada could not be witnessed.²⁶ Hon. members arose and said, "no; don't receive it:" "Throw it out." Was that their French liberality? Was that the way they treated a stranger on the floor of that house? They ought to be ashamed of themselves.²⁷ Sir, all this shows clearly to my mind that we must not judge of Lower Canada Society by its surface--I think it shows that there is not that indifference, that stolidity, throughout the masses which we might naturally suppose, but that there is a better and freer spirit among the people, which is crushed and kept down by the moral coercion of the institutions of the country--but which will one day burst its bonds and cast off the shackles of its enslavement.²⁸

MR. DUMOULIN, in French, spoke with much warmth. He asserted that the allegations in the petition were absolutely false, and the signatures for the most part were false. That was enough to make the house reject the petition. There were three or four members in the house, from the district of Three Rivers, and one of them ought to be the person to present the petition and not the hon. member for Kent. One of them would have presented the petition had they not known its utter falsehood. In circumstances such as those the house should not receive such a petition, and the French members were not to be insulted and taxed with illiberality by the hon. member for Kent.²⁹

DR. FORTIER ... in English³⁰, said that those who opposed a petition, based upon falsehood, were not the persons who should blush, but rather those who introduced it.³¹ Why was the petition given to the hon. member for Kent for presentation at all?³² If the petition were based upon facts why was it not entrusted to the member for Three Rivers? Or, if the persons who signed it were really Roman Catholics, why did they not give the petition to the member for the County of Drummond, who was a Protestant?³³ The hon. member for Drummond knew Three Rivers, and because the petition was false, was the reason why it was not given [to] him.³⁴ The reason why it was not presented by any of these gentlemen was because that they knew it was false and malicious.³⁵ The hon. member for Kent was actuated by feelings of hatred for Roman Catholic institutions, and that was the reason the petition was put into his hands.³⁶

MR. TURCOTTE made some remarks but they were inaudible.³⁷

MR. POLETTE had asserted when the matter was previously before the house that there had been no opposition among the parties interested at Three Rivers; and he repeated it. If there were any protest, it was unknown to any one at the meeting, and the principal signer of the petition had concurred in the resolutions agreed to at the public meeting. That there was no objection could be tested by the members for Nicolet and St. Maurice.³⁸

MR. TURCOTTE believed there had been no division at the public meeting; but there was objection certainly.³⁹

MR. POLETTE said, that as to that part of the petition which related to the raising of £5000⁴⁰ [by] taxation⁴¹ there was no opposition at all.⁴²

MR. BROWN said the allagation [sic] that the names to the petition were fictitious, he believed to be quite unfounded. Of course, he did not know all the parties--but he had been written to at Toronto on the subject by a magistrate of high respectability, and asked if he would take charge of the petition; he at once consented to do so, and met a deputation of the petitioners on his way down. Everything united to make him believe that every signature was genuine--and in such a community as that of Three Rivers, each member of the community was well-known, the atmosphere of the place was not such as to make it probable that persons would sign a petition like this without a personal interest in its contents. Nay, the hon. member for St. Maurice assisted in drawing up the petition and but for a difference as to the propriety of transferring the property from the people to the Bishop, it would have been presented by that gentleman. As to Dr. Fortier's assertion that the petition contained falsehoods--it would have been better had the hon. gentleman pointed them out. He defied him to do so. On that point, there could be no doubt; the statements of the petition were accurately correct. But why asks the hon. gentleman, did not the petitioners go to the Roman Catholic members, or even to the Protestant member for Drummond? The proceedings today showed clearly how much they would have made by that. The attempt to throw discredit on the petitioners was on a par with the other proceedings--all the names were there,--they would be printed and in the hands of members--and let them show, if they can, what they have insinuated. Mr. Dumoulin had looked on the list and had only been able to point out two which he objected to--one on the ground that he was in his (Mr. D.'s) employment⁴³.

MR. TURCOTTE did not believe that all the signatures were what they pretended to be: Some were.⁴⁴

MR. DUMOULIN did not say the persons were fictitious, but that their pretensions to be interested were false. Out of forty-one names, there were not ten good ones.⁴⁵

MR. BROWN said that would be established hereafter; but if there was but one good name to the petition it ought to be received.⁴⁶ All the names and marks were attested by Justices of the Peace⁴⁷. One of the names was that of Mr. Duval⁴⁸, the first signer⁴⁹, who, he was assured, paid £19 of tithes last year; if his name alone was to the petition he would have a right to come before the House and make his complaint.⁵⁰

MR. TURCOTTE ... defended the petition⁵¹.

MR. CAUCHON ... said that it ought to be received no matter how few goods [sic] names there might be to it⁵², but that if there were any member who ought not to have presented it, it was the hon. member for Kent, the enemy of every Catholic institution, who could do no good to any such cause which he took up.⁵³

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Of John McMullen and others, Merchants, Traders, and others, of Quebec; praying for the passing [of] an Act to render Official Salaries of Government Officers liable to attachment for debt.

Of John Stewart and others, of the County of Halton, and others; praying that the Petition of Peter Fisher and others, the Board of Directors of the Nelson and Nassagaweya Road Company praying for the passing of an Act to legalize the said Company, and the proceedings thereof, may not be granted.

Of the Municipality of the Township of Nelson; praying that the Common School Law may be so amended as to leave to each School Section the mode of paying its Teacher.

Of the Mayor and Corporation of the City of Montreal; praying for the passing of an Act to authorize them to borrow a certain sum of money, and to erect therewith Water Works for the use of the said City.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly of the 8th November last, for a List of Claimants for damages alleged to have been caused to the property of individuals by the construction of the Beauharnois Canal, as also, copies of the Reports of the Commissioners of Public Works, Engineers, or others employed to investigate and report on such claims, and a Statement shewing the names of Claimants who have been paid, and by what authority.

For the said Return, see Appendix (U.U.U.)

Resolved, That the Petition of the Municipal Council of the United Counties of Essex and Lambton, relative to a Goal [sic], Court House, and Grammar School, be referred to a Select Committee, composed of Mr. Prince, the Honorable Mr. Cameron, Mr. Brown, and Mr. Willson, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Ordered, That the Petition of Dunbar Ross, Esquire, and others, of the City of Quebec and parts adjacent, be referred to the Select Committee appointed to take into consideration and report on the advantages to be derived from, and the means by which may be obtained, a periodical Ice Bridge across the River St. Lawrence at Quebec.

Ordered, That the Petition of the Municipal Council of the United Counties of Essex and Lambton, relative to intoxicating Liquors, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg, and the Township of Hamilton, on the subject of Temperance.

Ordered, That the Petition of Matthew H. Warren and others, Merchants, Traders, and others, carrying on Trade on the Coast of Labrador; and the Petition of William Henry Ellis and others, Merchants, Traders, and others, carrying on business on the Coast of Labrador, be referred to the Select Committee appointed to enquire and report upon the state of the Fisheries carried on in the Gulf of St. Lawrence, and on the Labrador Coast, by the Inhabitants of this Province.

Mr. Sicotte, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That Seneca Paige, Esquire, a Member

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of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee this day.

Mr. Cartier, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, informed the House, That John Langton, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

On motion of Mr. Lemieux, seconded by Mr. LeBlanc,
Ordered, That the Select Committee on the Kamouraska Election Petition have leave to adjourn until Tuesday the first day of March next at eleven o'clock A.M., in order to enable the Sitting Member to procure his Witnesses who reside at a great distance, and to adduce evidence in answer to the allegations of the said Petition.

Ordered, That the Petition of Dunbar Ross, Esquire, and others, of the City of Quebec and parts adjacent, be printed for the use of the Members of this House.

Ordered, That the Supplementary Return relative to the Harbour of Quebec, which was presented on the 14th instant, be printed for the use of the Members of this House.

Ordered, That the Return relative to certain Judicial Officers in Lower Canada, which was presented on Monday last, be referred to the Standing Committee on Printing; with power to make an Abstract thereof for the Appendix to the Journals.

Ordered, That the said Abstract be printed for the use of the Members of this House.

Ordered, That Mr. Hartman have leave to bring in a Bill to separate the Township of Georgina from the County of Ontario, and annex it to the County of York.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Return relative to the Custom House in the Lower Town of the City of Quebec, which was presented on Wednesday last, be printed for the use of the Members of this House.

MR. BADGLEY⁵⁴ moved an address to His Excellency, for copies of all Correspondence between the Imperial and Provincial Governments, respecting the withdrawal of the Imperial Branch of the Customs from Montreal to Quebec. He stated that great inconvenience resulted to Captains and Merchants from the present regulations of the Imperial Customs. He did not see that there could be any secret in the customs arrangements between Great Britain and Canada; nor any objections to publishing the correspondence.⁵⁵

MR. INSP. GEN. HINCKS replied that if he had been aware of the complaints which it was alleged were being made by the commercial community he might have arrived at a different conclusion to that which he had come to--which was, that it would not be expedient at present to produce the papers. He was perfectly aware of the reasons that had caused the enquiry. It was made at the instance of certain⁵⁶ subordinate⁵⁷ officers of the Imperial Customs⁵⁸ ou employés congédiés⁵⁹, who had an interest in getting this correspondence⁶⁰ [pour] s'en servir contre ... le gouvernement⁶¹, and not at the request of the mercantile community, and he did not think that under the circumstances, as he thought it would rather retard than advance the matter, that it would be advisable to make public the correspondence.⁶² He should therefore oppose the motion.⁶³ If the mercantile community was so much interested in this mat-

ter why did not the Boards [of] Trade of Quebec and Montreal bring the matter before the public and under the notice of the ... Government, and take some steps to strengthen the hands of the Government? Although he was not disposed to dispute what the member for Montreal said about the grievance of the matter, if the merchants really felt it as such why did they not do something of this kind and not leave it altogether in the hands of one individual. He stated that the executive were doing all in their power to promote the desired object.⁶⁴ He (Mr. H.) would say that he had taken upon himself to bring the subject before the Imperial Government⁶⁵ with a view of getting the Imperial officers removed so as to prevent this inconvenience now caused to the trade by the double sets of entries, which were necessary at present. These efforts had so far failed, and it was unfortunate if the mercantile community really desired the change, that they had taken no steps to urge their views. If they did so, they would have the cordial support of the Government⁶⁶. He believed no good could come from the production of the correspondence. The Imperial officers fancied that the correspondence would reveal something to show that they had gained a triumph over the Government.⁶⁷

MR. CAUCHON répondit que la raison que l'inspecteur-général donnait pour son refus ne pouvait rien valoir.⁶⁸ [He] said that if the efforts of the Government to put the Imperial Customs under the control of the Provincial authorities were such as was represented, it would be better both for the Government and for the country that it should be known what had taken place on the subject. If they refuse this correspondence it will be said that they had not taken the proper steps, while on the contrary the production of it would strengthen their hands, if they had done their duty in the matter.⁶⁹ Mais d'un autre côté, lors même que les employés congédiés pourraient se servir de ces documents contre le ministère, la correspondance devrait encore être produite. Le pays, en effet, a intérêt à savoir si son gouvernement a pris ses intérêts ou non; dans le premier cas, le ministère serait soutenu par la chambre; dans le cas contraire, le gouvernement aurait à rendre compte de ses actes.⁷⁰

MR. YOUNG said that he had seconded the motion because he thought the existence of the Imperial Customs Department a great grievance to the mercantile community. After a clearance had been made from the Provincial collectors, it was necessary to get one from the Imperial Officer and to submit all the papers to them.⁷¹

MR. PROV. SEC. MORIN ne voit pas pourquoi le gouvernement consentirait à la production de cette correspondance; on ne lui a pas fait voir les raisons qui pourraient engager le gouvernement à accéder à cette proposition, à moins que ce ne soit pour servir des fins particulières, et, dans ce cas, l'administration ne peut soutenir la motion.⁷²

MR. BADGLEY parle de nouveau et fait voir que sa motion est dans l'intérêt du commerce de Québec et de Montréal.⁷³ [He] said that the Boards of Trade would not do much in the matter, for they had already been discussing a matter of great importance in Montreal, for a long time, and had at last dropped it without coming to any conclusion. What was everybody's business was nobody's business, and unless he had taken the matter up it would not have been mentioned. There was, he said, no law in this country which compelled persons to submit their papers to the Imperial Customs authority, and it was only necessary for the matter to be brought up by the House to have it upon a proper footing, as had already been done in Nova Scotia when a precisely similar thing had occurred.⁷⁴

MR. INSP. GEN. HINCKS déclare une seconde fois que le gouvernement ne peut consentir à la passation de cette adresse. C'est, selon lui, une mesure qui serait de nature à embarrasser [sic] le gouvernement.⁷⁵ [He] said that

there were various methods of taking action in the matter without embarrassing the Government, which might be the effect if the present resolutions were carried. They might either appoint a select committee to enquire into the matter, or send an address to the Home Government and ask them to interfere. If the thing complained of was such a great grievance it was a very strange thing that neither the Board of Trade, nor any of the merchants had done anything to bring the matter before the public.⁷⁶

MR. BADGLEY insiste sur l'adoption de sa motion.⁷⁷ [He] said that the only information on the subject was before the Government, and he wanted to know what the state of the case was, that the House might be enabled to act upon it. They could do nothing further unless they knew what had been done already.⁷⁸

MR. AT. GEN. RICHARDS contended that hon. members had taken the wrong course to obtain the removal of the grievances.⁷⁹ [He] thought that if the hon. member meant to say that the Government had neglected their duty, then it was right for him to make this motion, but if he did not think so, of what use was his motion? The Government felt satisfied that the hon. member's purpose would be better answered by the withholding of the correspondence in question.⁸⁰

MR. BROWN thought the hon. gentlemen [sic] from Montreal was the best judge of that. The Hon. Inspector General had not given any reason why the papers should not be produced. He admits that what is complained of is a great grievance, but he refuses to let us know what has already been done and what further steps can be taken; the Provincial Secretary suggests a committee--but how can we judge of that unless we know what the correspondence, that has taken place, is? If any state reason existed for refusing the papers, that of course would be sufficient. But no such reason was even averred. All we were told was, [that] the Government refuse[d].⁸¹

MR. R. CHRISTIE (Gaspé) said that if the Government had done their duty in the matter, why should they object to the production of the papers. He thought that the annoyance complained of existed more in imagination than reality.⁸²

The motion was then put⁸³.

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The Honorable Mr. Badgley moved, seconded by the Honorable Mr. Young, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to communicate to this House copies of all Correspondence and Communications between Her Majesty's Government in England or the Customs Department thereof, and the Provincial Government, or any Member thereof, relating to the withdrawal of the Imperial Branch of the Customs for Montreal and Quebec; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brown, Burnham, Cauchon, Christie of GASPE, Clapham, Crawford, Dixon, Dubord, Gamble, Jobin, LeBlanc, Murney, Ridout, Robinson, Shaw, Smith of FRONTENAC, Stevenson, Street, Stuart, Valois, Viger, Willson, Wright of West Riding of YORK, and Young.--(25.)

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NAYS.

Messieurs Cameron, Cartier, Chapais, Christie of WENTWORTH, Fortier, Hartman, Hinks, Lacoste, LaTerrière, Laurin, Lemieux, McDonald of CORNWALL, Marchildon, Mattice, McDougall, Morin, Patrick, Poulin, Prince, Attorney

General Richards, Rolph, Rose, Sanborn, Sicotte, Terrill, Tessier, Turcotte, White, and Wright of East Riding of YORK.--(29.)
So it passed in the Negative.⁸⁴

Ordered, That Mr. Dixon have leave to bring in a Bill to provide for the safety of Her Majesty's Subjects, and others, on the Highways of this Province, and to regulate the travelling thereon.

He accordingly presented the said Bill to the House, and the same was received and read for the first time;⁸⁵ and ordered to be read a second time on Wednesday next.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to amend the Act of the present Session for the relief of the Sufferers by the late Fire at Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. Prince have leave to bring in a Bill to legalize the use of Strychnine in Upper Canada for the destruction of Wolves and other noxious animals, and to repeal part of the fifth Section of an Act of the fourteenth and fifteenth years of Her Majesty's Reign, intituled, "An Act to prevent the hunting of Deer at improper seasons of the year, and further to amend the Laws for the preservation of Game."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Morin, Resolved, That this House will, on Friday next, again resolve itself into a Committee to consider of the Supply granted to Her Majesty.

The Serjeant-at-Arms attending this House, informed the House, that he had taken John Langton, Esquire, into his custody.

Whereupon Mr. Smith of Frontenac acquainted the House, that he was desired by Mr. Langton to state, That he was unavoidably absent from his duties as a Member of this House, by reason of urgent private business, until the sixteenth day of February instant, on which day he left home to attend in his place in Parliament; and the same having been verified upon Oath by Mr. Langton;

Ordered, That John Langton, Esquire, be discharged out of custody.

The Order of the day for the House in Committee to take into consideration certain Resolutions on the Commercial Policy of this Country, being read;

Ordered, That the said Order of the day be postponed until Monday the seventh day of March next, and be then the first Order of the day.

The Order of the day for the second reading of the Bill to increase the Jurisdiction of the County Courts in Upper Canada, to amend the Acts regulating

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their practice, expediting and simplifying the proceedings of the said Courts, and for the settlement of disputes without litigation, being read;

Ordered, That the said Order be discharged.

The Order of the day for the second reading of the Bill to prevent the deterioration of lands and hereditaments charged with hypothecs, being read;⁸⁶

MR. SICOTTE moved the second reading of the Bill to prevent Deterioration of Lands charged with Hypothecs.⁸⁷

MR. BADGLEY desired the bill to be referred to a select Committe[e]. Pro-

tection ought to be given to creditors; but some clauses of the bill as drawn were objectionable; for instance by it a judge without jury could send a man to prison from one to five years, for certain offences under it.⁸⁸

MR. SICOTTE consented; saying however, that this penalty was not a novelty.⁸⁹

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The Bill was accordingly read a second time;⁹⁰ and referred to a Select Committee, composed of Mr. Sicotte, the Honorable Mr. Attorney General Drummond, the Honorable Mr. Badgley, Mr. Lacoste, and Mr. Stuart, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to increase the Jurisdiction of the Division Courts of Upper Canada, being read;

Ordered, That the Bill be read a second time on Wednesday the ninth day of March next.

The Order of the day for the second reading of the Bill to incorporate the Sisters of Charity at Quebec, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to provide for the more speedy Distribution of the Statutes, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to abolish the Rectories, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, being read;

Ordered, That the Bill be read a second time on Wednesday the ninth day of March next.

The Order of the day for the second reading of the Bill to repeal such Clauses of the Common School Acts of Upper Canada as authorize the establishment of Sectarian Schools endowed with the public money, being read;

Ordered, That the Bill be read a second time on Wednesday next.

The Order of the day for the second reading of the Bill for the registration of Births, Marriages, and Deaths, being read;

Ordered, That the Bill be read a second time on Wednesday the ninth day of March next.

The Order of the day for the second reading of the Bill to abolish the Office of Queen's Printer, and to provide for the public printing and legal advertizing, being read;

Ordered, That the Bill be read a second time on Wednesday the ninth day of March next.

The Order of the day for the House in Committee on the Bill to confer Equity Jurisdiction upon the several County Courts in Upper Canada, and for other purposes therein mentioned, being read;

Ordered, That the said Order of the day be postponed until Friday next.

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The Order of the day for the second reading of the Bill for the regulation of Marriages, and to place upon a footing of equality the several Religious Denominations relative to the solemnization or celebration of Matrimony, being read;

Ordered, That the Bill be read a second time on Wednesday the ninth day of March next.

The Order of the day for the second reading of the Bill to vest in certain Inhabitants of the Township of Moore, a Road allowance therein, and to establish a new Road in lieu thereof, being read;

*Mr. Prince moved, seconded by Mr. Smith of Durham, and the Question being proposed, That the Bill be now read a second time*⁹¹;

COL. PRINCE moved that the Bill to vest in certain inhabitants of the Township of Moore a road allowance therein, and to establish a new road in lieu thereof, be now read a second time. He said that the people of this township had given up one road which never could have been made good, and now they want to have another portion of land which had been long used as a road set apart for that purpose.⁹²

MR. BROWN opposed the Bill. The facts of the matter were simply these-- The public road runs along the bank of the River St. Clair; but some 20 years ago considerable difficulty was found in passing along the bank of the river on account of deep gullies that crossed it, and another road was in consequence opened out the length of a good field back; this had been made use of ever since as a public road. The people living along it have, in consequence, three fronts to their lots instead of one, which has very materially increased the value of their property. They now come and ask that they may get the old road in lieu of the now [*sic*] one. The people say they should not get it--that if it is granted to them it will cut them off from the use of the river--that the land-owners have gained and not lost by the opening up of the new road--and that if any compensation is due them, it is merely the value of the land taken from their farms at the price it was worth when the road was first opened. The people of the Township are willing to pay the fair value for the land, and the only difficulty is in coming to an agreement about the compensation. There are but very few of the inhabitants in favor of the bill, and he (Mr. B.) had presented a petition signed by a great many persons against it. He had recently at a public meeting brought up the subject and had it fully discussed--and he did hope it would be amicably settled ere another year passed. It was a matter for the Council to settle, and it would be thought be very wrong in Parliament to interfere in the matter.⁹³

MR. H. SMITH (Frontenac) said that to come to a decision on a bill of this kind, without knowing all the facts of [the] case, would be very wrong. It was never intended that public roads should be closed up by municipalities. This road in question was the property of all the inhabitants of the township and of the public generally. All roads were vested in the Crown, and he did not understand how the hon. Commissioner of Crown Lands could sit there so quietly in his place when bills were brought in to dispose of crown property.⁹⁴

MR. COM. CR. LANDS ROLPH said that it was the duty of the Commissioner of Public Works to look after the roads.⁹⁵

MR. H. SMITH said that the Commissioner of Public Works was not here, and if he was, he knew nothing at all about it any more than the man in the moon.⁹⁶

MR. J. SMITH (of Durham) did not support the Bill, but thought the matter ought to undergo examination before a committee. He said that he had carried a similar measure himself at the last session.⁹⁷

MR. GAMBLE said that the Legislature had passed many such bills, but he never knew such an instance in which the Legislature had not done wrong. If the hon. member would introduce a bill, giving the power to the County Councils to deal with all such questions, he would support it as he did not understand why that power had not been given before.⁹⁸

COL. PRINCE said that there were no less than four entrances to the river

St. Clair at the place in question. He denied that the Queen or Commissioner of Crown Lands or of Public Works had no control in any land which had ever been set apart as a public road. But after all, he said that this piece of land for which there was so much contention, was no road at all, but a piece of impassable swamp.⁹⁹

MR. BROWN said that it was evident that the hon. member for Essex knew nothing of the place, for the road ran along a high dry bank. Much of the land had changed hands since the new road was opened, and the persons purchasing knew the state of the case when they bought. He hoped that the matter might be left to the people of the township for another year, and he had no doubt that at the end of that time they would settle it among themselves. He moved in amendment that the bill be read again a second time this day six months.¹⁰⁰

(506)

Mr. Brown moved in amendment to the Question, seconded by Mr. Rose, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. PRES. EX. COUN. CAMERON said he had opposed this bill in previous sessions, as the people of the Township were then strongly opposed to it. But he now understood that public feeling was quite changed in the matter--that the assessor had gone round the township, and asked every freeholder his opinion, when it was found that the people were nearly unanimous in favour of exchanging the front road for the back one.¹⁰¹

MR. BROWN said he had not expected that the member for Huron would take such grounds after leading the opposition to this very bill when he sat for Kent. But after all, he (Mr. B.) might have expected it--for it was only consistent with the rest of the hon. gentleman's somersaults. (Laughter.) The statement as to the feeling of the people was, however, utterly incorrect--and the petitions before the House were proof conclusive on that point.¹⁰²

Some further discussion [followed], in which a reference to committee was contended for.¹⁰³

(506)

And the Question being put on the Amendment, the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Burnham, Gamble, Morrison, Ridout, Rose, Shaw, Smith of FRONTENAC, Stevenson, Street, Wright of West Riding of YORK, and Young.--(12.)

NAYS.

Messieurs Cameron, Chapais, Christie of WENTWORTH, Dixon, Fortier, Gouin, Hartman, Hincks, Langton, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Malloch, Mattice, Morin, Poulin, Prince, Attorney General Richards, Rolph, Sanborn, Sicotte, Smith of DURHAM, Stuart, Turcotte, and White.--(26.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend and explain the Ordinance concerning the registration of hypothecs in Lower Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Lemieux, the Honorable Mr. Attorney General Drummond, the Honorable Mr. Chabot, Mr. Jobin, Mr. Dumoulin, Mr. Cartier, and Mr. Tessier, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to amend the Act prohibiting the hunting and killing of Deer and other Game within this Province, at certain seasons of the year, being read;

Ordered, That the Bill be read a second time on Wednesday the ninth day of March next.

The Order of the day for the second reading of the Bill extending to persons charging or charged with Criminal Offences, the right of being assisted by Counsel, being read;

MR. STUART moved the second reading of the bill to extend to persons charged with criminal offences the right of being assisted by counsel--the bill to be referred to a Select Committee.¹⁰⁴

MR. AT. GEN. RICHARDS said, that the employment of counsel in the manner proposed might defeat the ends of justice, if persons were allowed the absolute right. It should, he thought, be left to the discretion of the magistrate.¹⁰⁵

COL. PRINCE thought that in many parts of Upper Canada, the magistrates might be led away by the sophistry of counsel.¹⁰⁶

Some further discussion [followed]¹⁰⁷.

(506)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Stuart, the Honorable Mr. Attorney General Drummond,

(507)

the Honorable Mr. Badgley, Mr. Sanborn, and Mr. Cartier, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Turcotte, seconded by Mr. Gouin,
The House adjourned.

APPENDIX: 23 FEBRUARY 1853.

[NOTICE OF MOTION RE: CHANGE TO DATE OF U.C. COUNTY COUNCIL MEETINGS UNDER ASSESSMENT ACT.]

MR. GAMBLE [gave notice that] on Friday next [he will introduce a] Bill to repeal so much of the amended Assessment Act as required the County Councils in Canada West to meet on the first day of May in each year to equalize the Assessment, and fixing the third Monday in June instead thereof for that purpose.¹⁰⁸

[NOTICE OF MOTION RE: AMENDMENT OF PARISH ERECTION ORDINANCE.]¹⁰⁹

MR. SICOTTE [donna avis que] lundi prochain [il introduira un] Bill pour amender une ordonnance passée dans la seconde année du règne de Sa Majesté, intitulée: "Ordonnance concernant l'érection des paroisses, et la construction et réparation des églises, presbytères et cimetières."¹¹⁰

[NOTICE OF MOTION RE: BILL TO INCORPORATE BROCKVILLE AND OTTAWA RAILWAY COMPANY.]¹¹¹

MR. CRAWFORD [donna avis que] vendredi prochain [il introduira un] Bill incorporant une compagnie pour construire un chemin de fer de Brockville à Pembroke, qui sera appelée "Compagnie du chemin de fer de Brockville et de l'Outaouias [sic]."¹¹²

[NOTICE OF MOTION RE: RESOLUTIONS RE COLLECTION AND DISTRIBUTION OF MUNICIPALITY SCHOOL FUNDS L.C.]¹¹³

MR. SANBORN [gave notice that] on Monday next [he would move for a] Committee of the Whole, to consider the following Resolutions:

1st. That it is expedient to empower the School Commissioners of every School Municipality, in Lower Canada, on a petition presented to them by a majority of rate payers in any school districts within such municipality, to assess and cause to be collected, of the rate payers of such school district, such sum above the proportion rated upon the whole Municipality, as shall be required by such petition to be applied for the school purposes of such districts.

2nd. That to obtain efficient schools in the newly settled sections of Lower Canada, it is expedient that the monies received by any municipality should be distributed equally among the school districts therein, instead of being apportioned according to the number of scholars in such districts.¹¹⁴

[NOTICE OF MOTION RE: EXTENSION OF RAILWAY AMALGAMATION ACT TO RAILWAYS INTERSECTING MAIN TRUNK LINE.]¹¹⁵

MR. LANGTON [gave notice that] on Friday next¹¹⁶ [he will introduce a] Bill to extend the provisions of the Railway Companies Amalgamation Act (16 Vic., cap. 39) to all companies whose railroads intersect the Main Trunk Line, or touch any place which the said Main Trunk Line also touches.¹¹⁷

[NOTICE OF MOTION RE: AMENDMENT OF JUDICATIVE ACT L.C.; FACILITATION OF WRIT SERVING.]

MR. TERRILL [donna avis que] vendredi prochain [il introduira un] Bill intitulé "Acte pour amender l'acte de judicature du Bas-Canada, 12 Vic., ch. 38, et pour pourvoir à la signification des writs des cours de circuit par les huissiers d'autres districts que ceux dans lesquels tels writs ont été émanés."¹¹⁸

[NOTICE OF MOTION RE: PREPARATION OF LIST OF COMMERCIAL AND EDUCATIONAL INSTITUTIONS TO BE SENT COPIES OF DOCUMENTS PRINTED BY HOUSE.]

MR. RIDOUT [donna avis que] lundi prochain [il fera motion pour] qu'il soit enjoint à l'officier qu'il appartient de fournir une liste de tous les instituts d'artisans, sociétés d'agriculture, bureaux de commerce, universités, collèges et institutions littéraires ou scientifiques établis dans le Haut et le Bas-Canada, dans la vue de prendre subséquemment en considération la résolution suivante:--

Résolu,--Qu'une copie de tous les documents imprimés par ordre de cette chambre, soit dûment transmise aux divers instituts d'artisans, sociétés d'agriculture, bureaux incorporés de commerce, universités, collèges, à l'institut canadien et à toutes autres sociétés incorporées, de littérature ou scientifiques, dans toute la province.¹¹⁹

[NOTICE OF MOTION RE: REGULARITY AND COST OF DISTRIBUTION OF STATUTES.]

MR. TESSIER [donna avis que] demain [il fera motion pour une] instruction au comité des impressions, de s'enquérir et de rapporter sur la régularité et le coût de la distribution des statuts de la dernière session, dans le Bas-Canada, et sur les moyens de mettre plus d'expédition et de régularité dans la distribution des statuts provinciaux.¹²⁰

[NOTICE OF MOTION RE: MONTREAL WATERWORKS LOAN BILL.]

MR. BADGLEY [donna avis que] vendredi prochain [il introduira un] Bill pour autoriser la corporation de la cité de Montréal à emprunter une somme d'argent pour la construction d'un aqueduc dans la dite cité.¹²¹

[NOTICE OF MOTION RE: SUSPENSION OF RULES OF HOUSE FOR MONTREAL WATERWORKS LOAN BILL.]

MR. BADGLEY [donna avis que] vendredi prochain [il fera motion pour la] dispense de certaines règles de cette chambre, relativement au bill pour permettre à la corporation de la cité de Montréal d'emprunter une certaine somme d'argent pour la construction d'un aqueduc dans la dite cité.¹²²

[NOTICE OF ADDRESS RE: CORRESPONDENCE WITH JUDGE BACQUET.]

MR. STUART [donna avis que] vendredi prochain [il fera motion pour une] Adresse au gouverneur général pour copies de toute correspondance échangée entre le gouvernement exécutif et l'honorable juge Bacquet, l'un des juges de la cour supérieure pour le Bas-Canada, sur la convenance qu'il y a qu'il se retire du banc pour cause de maladie constante.¹²³

[NOTICE OF ADDRESS RE: GRANTS OF SHORE LOTS ON ST. CHARLES RIVER.]

MR. STUART [donna avis que] vendredi prochain [il fera motion pour une] Adresse au gouverneur général pour une liste de toutes les demandes d'octrois de lots de grève sur la rivière Saint-Charles, et de tous les octrois qui en ont été faits, et demandant qu'il plaise à Son Excellence de ne plus accueillir de semblables demandes, jusqu'à ce que des plans et relevés convenables aient été obtenus pour l'établissement de bassins et autres ouvrages se rattachant à l'amélioration de ce port, sur une échelle proportionnée à l'augmentation de son commerce.¹²⁴

[NOTICE OF QUESTION RE: LEGISLATIVE COUNCIL MEMBERS' PAY.]¹²⁵

MR. H. SMITH (Frontenac) [donna avis que] vendredi prochain [il posera la] Question au ministère, s'il y a eu quelque communication d'adressée par le gouvernement, ou aucun membre du gouvernement, à des membres du conseil législatif, les informant qu'on se proposait de les indemniser pour leur assistance au conseil, et, dans ce cas, si le gouvernement est prêt à mettre devant cette chambre, une copie de telle communication.¹²⁶

[QUESTION AND ANSWER RE: FILLING OF VACANCIES IN ST. FRANCIS MILITIA.]¹²⁷

MR. SANBORN inquired of the Ministry whether it was intended to recommend to His Excellency the Governor General the appointment of Officers of Militia to fill the vacancies existing in the District of St. Francis, consequent upon the removal and resignation of such Officers in that District, whereby the Militia is rendered inefficient in allaying disturbances of the peace.¹²⁸

MR. PROV. SEC. MORIN said that the government intended to complete the organization.¹²⁹

[QUESTION AND ANSWER RE: ORDER OF BUSINESS.]¹³⁰

MR. BROWN ... [asked] a question ... relative to the business of the House.¹³¹

MR. INSP. GEN. HINCKS ... stated that it was probable he would on Friday proceed with the University Bill and the Supplies. It had been intended to proceed with the Seigniorial Tenure measure, but there was a petition to be heard by Council which it was proposed to grant, though certainly not the delay asked for on behalf of the Seigniors.¹³²

[QUESTION AND ANSWER RE: GOVERNMENT HOUSE IN TORONTO.]¹³³

MR. RIDOUT enquired of the Ministry what steps were being taken for the building of a Government House at Toronto and to prepare for the reception of the Government Offices when the Seat of Government was again moved. The hon. member was going on to say that he put this enquiry on account of certain rumours that he had heard on the subject¹³⁴.

He was called to order by MR. J.S. MACDONALD the SPEAKER.¹³⁵

MR. INSP. GEN. HINCKS, without making any allusion to the rumours mentioned by the member for Toronto, would say, that the Government had taken the necessary steps for the erection of the proposed buildings at Toronto by advertising for plans and specifications but had been delayed in taking any further steps in consequence of an extension of the time being asked for by the architects themselves. There was, however, every intention on the part of the Government to carry out the proposed plan.¹³⁶ In making the appropriation ... plans had been received.¹³⁷ Les plans ... sont actuellement devant lui¹³⁸.

[WITHDRAWN MOTION RE: SUSPENSION BRIDGE AT QUEBEC.]¹³⁹

MR. STUART moved an address to his Excellency, for a Report on a Railway Suspension Bridge for crossing the St. Lawrence at Quebec, made by E.W. Serrel¹⁴⁰, Civil Engineer....He made this motion he said in view of the great importance of the undertaking, and the deep interest that the City of Quebec had in it, having gone to a considerable expense in getting a survey which was now in the possession of the Government, and which he wished to have placed upon the journals of the House for future reference, in case of further action being advis-

able.¹⁴¹

MR. INSP. GEN. HINCKS considered this motion of a most extraordinary nature. The Corporation of Quebec had employed a Mr. Serrell, an Engineer, to make a survey, and his report had been printed¹⁴² and published¹⁴³ and was now in the hands of every one¹⁴⁴. Il ne doute pas que le pamphlet en question ne puisse s'obtenir chez tous les libraires¹⁴⁵ and he believed sold for about a York shilling. A copy of it had been sent to the Governor General who he believed had put it in his pocket and taken it home. He (Mr. H.) had also seen one which had been sent to an hon. member. That was the case. It was extraordinary to ask to put that report on the journals of the House in those circumstances.¹⁴⁶ Il savait bien qu'on allait dire que lui (M. Hincks), était opposé à tout ce que demandait Québec; mais il devait déclarer qu'il agirait de même pour toute autre municipalité.¹⁴⁷ The Corporation of Quebec seemed to fancy that it had extraordinary privileges, but hon. members must bear in mind there were many other Corporations in the country.¹⁴⁸

MR. STUART was not at all surprised at the levity with which the Inspector General treated this measure¹⁴⁹ [and] with which he had spoken of the Quebec Corporation.¹⁵⁰ It was not the first time that the people of Quebec had been treated in a similar manner.¹⁵¹ Il n'était pas surpris de [son] opposition....Le sujet déplaisait tellement à l'inspecteur-général, que c'était le faire fâcher que d'en parler.¹⁵² He contended the motion was one proper for the House to press.¹⁵³ He (Mr. S.) took it for granted that when documents were placed under the protection of the executive, they then became the property of the public, and any member had a right to obtain them. This should not be looked upon as the private affair of a small municipality, for it was a matter of great importance to the whole country to find some means of crossing the River St. Lawrence, and for this reason he wanted to have the engineer's report upon the journals of the House.¹⁵⁴ Il est à la connaissance de tout le pays¹⁵⁵ that the Inspector General had in contemplation, in connection with a well known friend of his, Mr. Jackson¹⁵⁶, à qui, d'après la rumeur publique, on donnerait, pour cet objet plus d'un million de louis¹⁵⁷, the erection of a Suspension bridge at Montreal.¹⁵⁸ Y aurait-il par hasard quelque liaison entre cette intention et le refus actuel de l'inspecteur-général? Pourquoi, en effet, le premier ministre s'oppose-t-il à la production devant la chambre de documents d'une aussi grande importance? Craindrait-il une comparaison?¹⁵⁹

MR. ROBINSON said, that if the report could be got in the way mentioned by the Inspector General, there could be no necessity for having it brought down by the Government.¹⁶⁰

MR. STUART replied, that he was not aware of any such thing--and even if it could be obtained for one penny instead of a York shilling still it should be in the possession of the House for future reference. It was now he considered public property.¹⁶¹

MR. ROBINSON asked if the survey had been ordered by the Executive Government?¹⁶²

MR. PROV. SEC. MORIN said no.¹⁶³

MR. ROBINSON then saw no reason why the House should print the report.¹⁶⁴

MR. PROV. SEC. MORIN ne connaît pas le rapport en question.¹⁶⁵ [He] was not aware that the report was Government property, or that it had been officially communicated to the Government. If it had been so communicated he knew nothing of it.¹⁶⁶ The Corporation sent their report to the Government by way of shewing respect to him, that was no reason why the house should print it.¹⁶⁷

MR. CAUCHON dit qu'il est à sa connaissance que l'intention du Conseil de Ville¹⁶⁸ of Quebec¹⁶⁹ était d'envoyer un exemplaire du rapport à chaque membre de la chambre, mais il ne croit pas que ce pût être là une raison pour le gouvernement de refuser de produire le document. Car s'il refuse dans le cas actuel, il pourrait aussi donner un refus dans le cas où les journaux auraient publié les documents qui seraient demandés. Mais si le gouvernement n'a pas reçu communication officielle du rapport en question¹⁷⁰, of course there was an end of the matter¹⁷¹. [He] said the question was very important, but he advised the hon. member in the circumstances to withdraw his motion. His object was to put the question in a legislative shape, and his better way to proceed should be by resolutions.¹⁷²

MR. LEMIEUX exprime les mêmes opinions que M. Cauchon.¹⁷³

MR. TESSIER parle d'abord de la manière dont on disposa, il y a quelques années, d'une motion du membre alors siégeant pour le comté de Mégantic, et il ajoute que ce serait certainement de l'intérêt du pays de savoir maintenant et officiellement de la part du gouvernement, quel a été le résultat des différentes explorations faites aux frais des citoyens de certaines localités et particulièrement de ceux de Québec. Le trésor provincial n'ayant rien fourni à ce sujet, on ne devrait pas, ce semble, s'opposer à la production des documents demandés.¹⁷⁴ [He] said, that the Provincial Secretary should have at once said whether the paper had been officially communicated or not, which would have at once ended the discussion. But whether they had been sent to the Government or not, he knew that it had been the intention of the Corporation to send it.¹⁷⁵ The Quebec Corporation had orderd [sic] the said report to be officially presented to the government but it appeared it had not been so.--If, however, it had, there could have been no irregularity in the House asking for that report, in view of the great importance of the subject.¹⁷⁶

MR. PRES. EX. COUN. CAMERON said that neither reports, plans, nor estimates, nor anything respecting the affair had been sent to the Government.¹⁷⁷ [Il] parle de l'économie que l'on effectuerait en n'imprimant pas le rapport en question, dont l'impression coûterait de £200 à £300!¹⁷⁸

MR. BADGLEY said that the motion had been on the paper since the 10th November, and yet the Provincial Secretary could not tell whether the document had been sent or not. If it had not, he could not vote for the motion; but if it had, he thought the Journals of the House were the proper place to record such documents.¹⁷⁹

MR. INSP. GEN. HINCKS said it might suit the hon. member for the city of Quebec, to represent him, (Mr. Hincks)¹⁸⁰ comme étant hostile à la cité de Québec, mais il est persuadé que le pays ne croira pas ceux qui le représenteront ainsi.¹⁸¹ He denied ... that he was so, although he did not think it necessary to support every unreasonable demand made on behalf of that city.¹⁸² [Il] ajoute qu'il ne veut pas parler avec mépris du projet de construire un pont à Québec....Quant à lui, il sait bien que tout membre de la chambre peut demander et a droit de demander la production des correspondances et autres documents, sauf à la chambre à la refuser, si elle juge à propos.¹⁸³ [He] thought there was a great distinction to be drawn between communicating the original reports furnished by the City of Quebec to the Executive and printed pamphlets merely sent as a mark of courtesy to any member of the Government. If the papers had been officially handed over to the Executive, then there would not be a word said on the subject; but what he maintained was that there had been nothing of the kind done. All that had been done at the most was that a printed pamphlet might have been sent as a mark of courtesy to some members of the Government.¹⁸⁴

The pamphlet had been received in a letter to the Provincial Secretary;¹⁸⁵ but he considered that only complimentary and not a thing to be placed in the archives of the province. The Government were in no way identified with the report. He did not deny its importance, nor the importance of the subject to which it referred.¹⁸⁶

MR. STUART déclare que si l'honorable M. Hincks avait dit, dès le commencement, que le gouvernement n'avait pas reçu communication officielle des documents demandés, il (M. Stuart) n'aurait pas insisté sur sa motion; au contraire il l'aurait retirée de suite. Mais le gouvernement n'aurait d'abord opposé sa motion que sous le prétexte frivole de l'économie, et voyant que cette raison ne suffisait pas, on en était venue [*sic*] à la seule valable, celle de la non communication officielle.¹⁸⁷ Why was not that stated at first, as it would have been a sufficient answer.¹⁸⁸ If the document were not officially before the Government they could not send it down. He would in consequence withdraw his motion.¹⁸⁹

MR. PROV. SEC. MORIN désire ajouter qu'il ne dit pas positivement qu'il n'y ait pas eu communication officielle du pamphlet. Tout ce qu'il peut dire, c'est que, si la communication a eu lieu, ce n'est pas à sa connaissance.¹⁹⁰

The motion was then postponed for a fortnight that it might be ascertained whether the paper had been really sent or not.¹⁹¹

[WITHDRAWN MOTION RE: RESOLUTIONS FOR APPOINTMENT OF A PROVINCIAL EMIGRATION AGENT IN ENGLAND.]¹⁹²

MR. CLAPHAM moved the following resolutions:

1.--That in order to relize [*sic*] all the benefits contemplated in the establishment of a line of Steam Ships, by public bounty, between "Quebec or Montreal and Liverhool [*sic*]," and the furtherance of the great Public Works, recently authorized by Law in this Province, emigration of the labouring classes should be encouraged and promoted.

2.--That as the great natural resources of Canada, and its advantages as a future home for millions of the human race are imperfectly known and appreciated, and that the route by the River St. Lawrence, is the shortest by River, Lakes and Canals, and proportionably the most economical and speedy for communicating with the interior of this Continent, whether to Canada or the Western territory of the United States, it is highly desirable that efficient means should be adopted, in order that the prevailing ignorance on these subjects may be dispelled.

3.--That inasmuch as it is found by experience that through the influence of paid lectures and other agencies in England and elsewhere, employed by the proprietors of energetic lines of passenger Ships of a superior class from the Ports of the United Kingdom, but especially from Liverpool to New York and Boston, the tide of immigration and the carrying trade to and through this Country has been greatly diverted into other channels to the prejudice of the Shipping of the Empire, and to our financial, commercial and agricultural interests;--an Agent qualified by general information and experience to counteract and modify these injurious consequences, ought to be commissioned by this Province, to make known and advocate the advantages that nature has bestowed on this Country, and of our enjoyment in its Government, of the greatest amount of Civil and Religious liberty and exemption of taxes, of any people in the world.

4.--That the services of the aforesaid Agent shall be devoted exclusively to the object for which he is commissioned, and that the charge upon the revenue of this Country as a salary, should not exceed _____ pounds cy per annum, that the charges of his transport in first class carriage by Railway Coach or Vessels,

and all Bills for printing, whether for the diffusion of information in Newspapers, or by placard, and for the hire of lecture rooms, shall be defrayed by the Province.

5.--That one of the duties of the aforesaid Agent shall be to diffuse general information through the press to address the public verbally or by lecture, in all which cases he shall transmit copies or newspaper reports and notices of the same, for the information of the Government and the Country.¹⁹³

In proposing these resolutions, it was not with the view of trenching upon the prerogative of the Executive; but, on the contrary, so greatly did he conceive they were entitled to the thanks of the country for the establishment of a line of steamers from this to England, that it was the members, not immediately connected with the government, to initiate such measures as are likely to strengthen their hands and promote to the fullest extent the success of the measure. It was too much the practice to reproach the Executive, on the introduction of any new measure involving expenditure, and the increase of patronage, but this was a measure so universally approved of--if the press could be taken as a criterion of public opinion for it had been advocated by every paper in the country, and by several members of the House, indirectly by some, but most emphatically by the hon. Member for Dundas,--on the address at the opening of the Session. He thought the proposition he had submitted was of primary importance. Not only was it our duty to endeavor to promote by all legitimate means, immigration to this country, but to counteract the gross and intentional misstatements of unscrupulous parties employed by the proprietors of Lines of Packets, trading between the United Kingdom and the United States, principally from Liverpool. He was, from personal knowledge, able to say, that very unfair means had been resorted to at that port to induce the people to give a preference to the States over Canada.¹⁹⁴ When in England a short time ago, he had heard lectures delivered by persons in the employ of Liverpool merchants and shipowners, who were so unscrupulous as to disparage the route by the St. Lawrence and also to disparage the idea of settling in Canada, and on one occasion¹⁹⁵, when attending a lecture on the comparative advantages of emigrating to the United States and the British colonies, he had heard so many falsehoods in reference to Canada, that he had felt constrained to rise at the close of the lecture and refute them. And, subsequently, he gave a lecture in the same place, in order to disabuse the public mind, and to give some correct information on the subject, for gross ignorance prevailed in England in respect to the advantages of settling in Canada, and making it the line of travel to the interior of the continent. He (Mr. C.) had no hesitation in saying that Canada would bear a comparison, not only with the United States, but with any other country for settlement, and the great river St. Lawrence, with its unrivalled canals and lakes for communicating with the western part of Canada and the United States, was decidedly a route preferable [*sic*] to any other, both for speed, economy, and comfort.--From Liverpool to New York, the distance was greater by 415 miles¹⁹⁶ than from Liverpool to Quebec, and to Australia the distance was greater by 13 thousand miles.¹⁹⁷ He did not mean to enter upon the subject of actual settlement, but, nevertheless, he thought this would be a good time to do even that¹⁹⁸. He would be the last of men to encourage settlement in a country except on good and sufficient grounds. There was a time, and that not remote, when the lands were held in this country at a higher rate than in the States, when a person might hesitate to recommend the other advantages of settling in Canada, as a set off against a higher price of land, but now that the Government had, with a most admirable policy, reduced the price of lands considerably below that of the States,--the inducements were vastly augmented in favor of settlement in this country. When lands in freehold could be obtained at from 1s. to 3s. 6d. per acre, no reflecting man would hesitate to secure, as speedily as possible, an inheritance for his

children's children in perpetuity--and above all, in a country which enjoyed a greater share of civil and religious liberty, and exemption from taxes, than any in the world. A country locally self-governed, and under the same paternal aegis as that under which he was born, and with which we are in weekly communication.¹⁹⁹ The present, was, perhaps, an unpropitious time to bring up the subject of emigration when there was such a strong tide flowing to Australia²⁰⁰. Much was now said about the gold regions of Australia, and vast numbers had emigrated to that country, but²⁰¹ the people of England were beginning to find²⁰² to their cost that "it was not all gold that glittered." Great numbers after toiling hard at the diggings, had given up in despair, and by reliable statistics, and all accounts, it was said that not more than one in thirty had been successful. Now, whether was it better that all the thirty, as in this country, should become moderately wealthy and independent, or that one of the thirty should become hastily and inordinately rich? If it was, as said to be, "all a lottery," it would be quite competent to the Government of England and the States, to countenance, as they had done in his early days, State Lotteries. There was wealth enough in those countries to renew such an experiment, were it advisable²⁰³ but public opinion had pronounced against them, and they had been abolished by law, from their demoralizing tendency. Such was the effect of gold-seeking in Australia, that by a letter from that country, in the London Times²⁰⁴, which he conceived to be the best authority²⁰⁵, of the 25th January last, and a Sunderland paper in his possession, the state of society there was compared to "hell upon earth," and that²⁰⁶ the wages of mechanics ... bore no proportion to the prices of food, and that many persons there would be glad to return, and matters there were altogether so discouraging that he thought the people of Canada might enter very fairly into competition with Australia and with the United States.²⁰⁷ Also ... the price of land both near the towns and in the interior, had risen to such an enormous rate, that he saw no resource but to proceed to that ultimathule of the southern hemisphere and land of savages, New Zealand, as a more civilized abode than Australia in its present corrupt and brutalized state of society, where neither life nor property were secure. Far better would it have been both for Australia and England, had her auriferous regions not been discovered; the reciprocal benefits they would have reaped by the steady cultivation of her soil, and the fleeces and skins of her flocks and herds, so much in demand in the manufactories of England, than that the population of both countries should have become demoralized and their reason dethroned by the present state of things. But the English were a reflecting people, and he had hope they would ere long allow reason to resume her seat, and discover where their true interests lay; not in the few becoming hastily rich, but in the gradual prosperity of all classes, the result of steady and heathful [*sic*] industry.²⁰⁸ When they found that they could get a farm of 100 acres in this country for 100 shillings with a very light taxation and a large degree of civil and religious liberty, they would find it more to their advantage to come here than to go to Australia in spite of the gold to be found there, or to the United States, where the price of land was much higher and the means of communication not so good.²⁰⁹ Perhaps he (Mr. C.) had said enough, as a preliminary step in moving the resolutions, having the privilege of answering any objections, if made to his view of the question. He begged it to be understood that he was not wedded to any particular form or manner of bringing the subject before the House. It was sufficient for his object that it should be favorably entertained by the House, and acted upon by the Government.²¹⁰

The motion was seconded by MR. DIXON.²¹¹

MR. PRES. EX. COUN. CAMERON had supposed that there would have been a good

deal of debate on these resolutions, which embraced a subject of the very greatest importance.²¹² He conceived there was much reason in the arguments used by the hon. member, and believed they ought to induce emigration.²¹³ There had, however, been so many disappointments experienced through the agents that had been sent, that the Government would not feel justified in again taking the responsibility upon themselves unless with the general feeling of the House, and on this subject, therefore, he wished to see a general expression of opinion. The Government had taken the first step to promote emigration, by establishing a line of ocean steamers, and they had also, by means of the department with which he was connected, taken measures to procure the very best information for the guidance of intending settlers. Circulars were sent to every township in Western Canada, with various questions respecting the progress of the settlements and the present condition of the inhabitants; as to what property they had begun with, and what they were worth now. He had that very day received back four²¹⁴ of these circulars, with the answers, and he mentioned two instances, which afforded remarkable proof of the success to be obtained by settlers in Canada. In one of these cases, it was stated that a man²¹⁵ not worth a dollar²¹⁶ when he first came here, was now possessed of property worth £2000, and in the other, under similar circumstances, was worth £1500.²¹⁷ One of the persons he alluded to, lived in Esquimes and the other in Goderich. It was the plan of the Government to put all the information thus acquired²¹⁸, duly authenticated²¹⁹, into the hands of the agents of the Steamship Company, whose interest it would of course be, to attract as much emigration by the vessels as possible. He could corroborate all that had been said by the mover of the resolutions as to the injuries inflicted upon Canada by the agents of the American emigrant ships. He had received communications from merchants, and others in different ports of Germany from which emigration had taken place, and he was quite sure that next year the largest proportion of emigrants from these places would pass through the St. Lawrence. Those who had travelled through the States, had found that they had to endure every kind of hardship, and the greatest extortion, while those who had come by the St. Lawrence had sent word home that they had been treated throughout with the greatest care and consideration, by the Emigrant Agents, and had not been imposed upon in any way, and a knowledge of the facts would of course have a great effect in promoting Emigration by the St. Lawrence. The plan ... [which] had been adopted in the Crown Land department, of selling lands at very low prices to actual settlers, would, as had been stated by the last speaker, have a material effect in promoting the settlement of the country.²²⁰

MR. J.S. MACDONALD the SPEAKER was about to put the resolution²²¹.

MR. BROWN asked if the Government intended to elbow this motion to pass? Were they to vote for a proposition involving a large public expenditure, without any assent on the part of the Executive, or any estimate of the expense?²²² [He] said a matter of that kind should be brought forward by the Government, and not in a loose manner by a private member, as in the present case.²²³ Surely the Government could not intend to allow these resolutions to pass in their present shape?²²⁴

MR. INSP. GEN. HINCKS.--Of course the Government could not allow the resolutions to pass, but they could not prevent any private member from bringing forward any resolutions he thought proper. The whole matter was under the consideration of the Government, as had been explained by the President of the Council, under whose charge it more particularly was.²²⁵

MR. CLAPHAM said that he had no desire to press his resolutions upon the House, more particularly as the Government had the matter under consideration. All that he wanted, knowing as he did from personal experience, the importance

of the subject was to bring it prominently before the House. He was perfectly willing to withdraw his motion.²²⁶

MR. MURNEY said that every member of the House must be glad to hear what had fallen from the President of the Council, as to the steps that the Government had taken in reference to the subject of emigration. The subject embraced in the resolution before the House was of the greatest importance.²²⁷ [He] said when he was in Buffalo, some years ago, he met some young men there, who had tickets of location in the far West, which they had brought out from England; proving that efforts were made by the Americans to diffuse information among intending emigrants. If an emigrant agent would disseminate correct information he would do great good; but he must not excite false hopes.²²⁸

MR. YOUNG would not vote for the motion, because it was in no definite shape. At the same time he believed that the extension of information respecting Canada would do much good in Europe, notwithstanding the great amount of information diffused within a few years.²²⁹ [He] said that a great deal of ignorance prevailed in England about Canada; but still more in Europe. He thought that next year would show that²³⁰ the tide of emigration could be turned towards Canada²³¹ [and] the principal portion of emigration would come by the St. Lawrence. He thought the agents of the Steamship Company would be found of the greatest use in promoting emigration to this country²³² and ... the owners of the new line ... would be the most efficient co-operators with the government in spreading this kind of information.²³³

MR. ROSE ... [said] some words ... in favour of spreading information about Canada in Europe²³⁴.

The motion was withdrawn.²³⁵

[DISCUSSION RE: USE OF FRENCH IN OFFICIAL ACTS OF THE HOUSE.]

MR. DUBORD ... a insisté hier à ce que toutes les motions et autres procédés de la part de l'orateur de l'assemblée fussent faits en français aussi bien que dans l'autre langue.²³⁶

L'occasion s'étant de suite présentée de mettre son désir à exécution, M. DUBORD a insisté sur son droit²³⁷.

Tout en reconnaissant le droit des membres de la chambre de faire faire les procédés en français aussi bien qu'en anglais, M. TURCOTTE déclara être d'avis qu'un grand nombre de ces procédés pouvaient n'être faits qu'en anglais, vû qu'ils ne sont que peu importants et que ce serait non-seulement perdre le temps de la chambre, mais encore l'ennuyer. Selon lui, insister à faire traduire en français des motions ou autres choses aussi peu importantes seraient de pures singeries.²³⁸

MR. TESSIER protesta pour sa part contre ce mot singeries. A son avis, la question ayant été soulevée devenait une question de principes, et l'on devait insister à avoir les procédés importants ou intéressants faits en français autant qu'en l'autre langue. Il ajoute qu'il fallait se souvenir que plusieurs honorables membres n'entendent l'anglais qu'imparfaitement; que le public qui est là et assiste aux séances, appartient pour une bonne partie à l'origine française, et doit désirer et espérer voir faits en sa langue les procédés qu'il vient surveiller et juger. D'ailleurs, suivant l'honorable membre, il s'agissait d'un droit, on ne pouvait et ne devait trouver mal qu'on insistât à l'exercer.²³⁹

MR. PROV. SEC. MORIN concourait en principes général [sic] avec messieurs Tessier et Dubord. Il regardait aussi cette question comme une question de

principes, mais en même temps il était d'opinion qu'on ne devait pas insister inutilement à user d'un droit qu'il reconnaissait aux membres de la chambre.²⁴⁰

MR. DUBORD dit que dans l'ancienne chambre d'assemblée du Bas-Canada, où il n'y avait que très peu d'anglais, l'orateur traduisait toujours le français en anglais; pourquoi refuserait-on d'en faire autant aujourd'hui que les Canadiens sont en parlement au nombre de vingt-cinq à trente?²⁴¹

MR. TURCOTTE se lève, une seconde fois pour déclarer hautement qu'il est loin de s'opposer à la traduction française des motions, etc., faites en anglais; qu'au contraire, il désire qu'il en soit ainsi pour tous les procédés importants. Il insiste à faire cette déclaration, car il craint qu'il n'y ait des journaux qui aillent publier qu'il s'est prononcé contre l'usage de la langue française. "On pourrait bien, ajouta-t-il, en agir ainsi, puisqu'on a été jusqu'à publier que je ne voulais pas le chemin de fer du Nord. Le fait est que je me rappellais le 'Timeo Danaos et dona ferentes,' et que je ne voulais ce chemin sans arrière-pensée et non pour m'en servir dans un but politique."²⁴²

MR. CAUCHON est d'avis que, si les journaux ont mal représenté les opinions de M. Turcotte, c'est la faute de ce dernier. M. Turcotte change si vite d'opinions que, pendant que les journaux rapportaient le fait que M. Turcotte s'opposait à la garantie provinciale et voulait la garantie impériale, M. Turcotte changeait d'idée, et, reniant la garantie impériale, se prononçait pour celle de la province. Quant aux grecs et à leurs présents, il est évident, ajouta M. Cauchon, que M. Turcotte se croit déjà dans le cheval de bois; qu'il se détrompe, néanmoins, il n'y est pas encore, et pourrait bien n'y jamais entrer. "Quant à moi, continue M. Cauchon, si quelques fois je parle l'anglais en cette chambre, c'est que je sais que plusieurs membres ne m'entendraient pas si je parlais français, et dans ce cas c'est que je désire être particulièrement compris d'eux. J'aimerais bien mieux parler seulement ma langue maternelle, mais quelquefois il faut faire des sacrifices. Quant à l'honorable membre de Québec (M. Dubord), je suis bien certain que s'il ne s'était pas cru maltraité, il n'aurait pas insisté sur l'exercice aussi stricte [sic] d'un droit qu'il a comme nous, et je crois ne pas me tromper en ajoutant que l'honorable membre n'a intention d'user de son droit que pour les choses importantes ou essentielles."²⁴³

MR. DUBORD déclare qu'il n'a insisté aussi fortement que parce qu'il a senti qu'on ne l'avait pas traité avec courtoisie. Il n'a pas d'objection à se désister de l'exercice absolu de son droit, puisqu'on le reconnaît généralement, mais il se réserve d'en user quand bon lui semblera et surtout sur les points importants.²⁴⁴

La chambre passe ensuite aux ordres du jour.²⁴⁵

FOOTNOTES: 23 FEBRUARY 1853.

1. The following papers reported the debate on this matter in partially identical accounts: BRITISH WHIG, 24 February 1853, PILOT, 24 February 1853, MONTREAL GAZETTE, 25 February 1853, NORTH AMERICAN SEMI-WEEKLY, 25 February 1853, and EXAMINER, 2 March 1853; MORNING CHRONICLE, 25 February 1853, MONTREAL GAZETTE, 2 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The debate was also reported by GLOBE, 5 March 1853. It was noted by BRITISH WHIG, 2 March 1853. A commentary appeared in GLOBE, 3 March 1853.
2. MORNING CHRONICLE, 25 February 1853.
3. GLOBE, 5 March 1853.
4. MORNING CHRONICLE, 25 February 1853.
5. GLOBE, 5 March 1853. GLOBE, 3 March 1853, commented as follows (the ellipses represent illegible words): "A characteristic scene occurred yesterday [23 February 1853] as the petitions were being received. These documents are presented each day at the opening of the House; the member rises in his seat as he presents each petition, states what are its contents, and hands it to the Clerk. Next day it is examined by the Clerk of the Petitions, and if regularly drawn up, and there is nothing disrespectful in its contents--it is placed on the list for reception. This takes place on the third day. The Clerk reads from ... table the style of each petition, and the name of the member in the order ... presentation two days previous. The member rises in his place and says, 'I move the reception of the said petition'--and, as a matter of course, it is granted. If there is anything improper in the petition, the Speaker calls the attention of the House to that fact, and it may be received or rejected as the House decides. But probably ... [no case has] ever occurred except the one in hand, in which the Speaker passed the petition as regular, and objection was taken to its reception. When the petition against the Three Rivers Cathedral Bill was ... [read] in its order, by evidently preconcerted arrangement, a shout of 'no, no,' arose from a number of Lower Canadian members...."
6. MORNING CHRONICLE, 25 February 1853. BRITISH WHIG, 24 February 1853, reported that "Messrs. Drummond and Fortier offered some objections."
7. PILOT, 24 February 1853.
8. GLOBE, 5 March 1853.
9. MORNING CHRONICLE, 25 February 1853.
10. PILOT, 24 February 1853.
11. IBID.
12. PILOT, 24 February 1853. In the account of the GLOBE, 5 March 1853, reception of the petition does not take place until the end of the discussion on the matter. BRITISH WHIG, 2 March 1853, confusing this debate with the following debate on the removal of the Imperial Customs, reported that "on a division the motion was refused, 25 voting for it and 29 against it."
13. MORNING CHRONICLE, 25 February 1853.
14. IBID.
15. PILOT, 24 February 1853.
16. MORNING CHRONICLE, 25 February 1853.
17. PILOT, 24 February, 1853.
18. GLOBE, 5 March 1853.
19. MORNING CHRONICLE, 25 February 1853.

20. GLOBE, 5 March 1853.
21. IBID.
22. IBID.
23. IBID.
24. MORNING CHRONICLE, 25 February 1853.
25. GLOBE, 5 March 1853.
26. PILOT, 24 February 1853.
27. MORNING CHRONICLE, 25 February 1853.
28. GLOBE, 5 March 1853.
29. MORNING CHRONICLE, 25 February 1853.
30. IBID.
31. GLOBE, 5 March 1853.
32. MORNING CHRONICLE, 25 February 1853.
33. GLOBE, 5 March 1853.
34. MORNING CHRONICLE, 25 February 1853.
35. GLOBE, 5 March 1853.
36. MORNING CHRONICLE, 25 February 1853, which commented that "the hon. member throughout his speech spoke with much warmth."
37. MORNING CHRONICLE, 25 February 1853.
38. MORNING CHRONICLE, 25 February 1853. PILOT, 24 February 1853, reports Mr. Polette as saying, "That there was no opposition, was well known to the member of Three Rivers and St. Maurice."
39. MORNING CHRONICLE, 25 February 1853.
40. PILOT, 24 February 1853.
41. MORNING CHRONICLE, 25 February 1853.
42. PILOT, 24 February 1853.
43. GLOBE, 5 March 1853.
44. MORNING CHRONICLE, 25 February 1853.
45. PILOT, 24 February 1853. MORNING CHRONICLE, 25 February 1853, reports 51 signers of the petition.
46. GLOBE, 5 March 1853.
47. PILOT, 24 February 1853.
48. GLOBE, 5 March 1853. MORNING CHRONICLE, 25 February 1853, reports the signer of the petition as Mr. Dorval.
49. MORNING CHRONICLE, 25 February 1853.
50. GLOBE, 5 March 1853.
51. IBID.
52. IBID.
53. MORNING CHRONICLE, 25 February 1853.
54. The following papers reported the debate on this matter in partially identical accounts: BRITISH WHIG, 24 February 1853, PILOT, 24 February 1853, MONTREAL GAZETTE, 25 February 1853, NORTH AMERICAN SEMI-WEEKLY, 25 February 1853, EXAMINER, 2 March 1853; MORNING CHRONICLE, 25 February 1853, MONTREAL GAZETTE, 2 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The debate was also reported by: GLOBE, 5 March 1853; and JOURNAL DE QUEBEC, 25 February 1853. A commentary appeared in NORTH AMERICAN WEEKLY, 10 March 1853.
55. MORNING CHRONICLE, 25 February 1853.
56. GLOBE, 5 March 1853.
57. PILOT, 24 February 1853.
58. GLOBE, 5 March 1853.
59. JOURNAL DE QUEBEC, 25 February 1853.
60. GLOBE, 5 March 1853.
61. JOURNAL DE QUEBEC, 25 February 1853.

62. GLOBE, 5 March 1853.
63. MORNING CHRONICLE, 25 February 1853.
64. GLOBE, 5 March 1853.
65. MORNING CHRONICLE, 25 February 1853.
66. PILOT, 24 February 1853.
67. MORNING CHRONICLE, 25 February 1853.
68. JOURNAL DE QUEBEC, 25 February 1853.
69. GLOBE, 5 March 1853.
70. JOURNAL DE QUEBEC, 25 February 1853.
71. GLOBE, 5 March 1853.
72. JOURNAL DE QUEBEC, 25 February 1853.
73. IBID.
74. GLOBE, 5 March 1853.
75. JOURNAL DE QUEBEC, 25 February 1853.
76. GLOBE, 5 March 1853.
77. JOURNAL DE QUEBEC, 25 February 1853.
78. GLOBE, 5 March 1853.
79. MORNING CHRONICLE, 25 February 1853.
80. GLOBE, 5 March 1853.
81. IBID.
82. IBID.
83. IBID.
84. NORTH AMERICAN WEEKLY, 10 March 1853, commented as follows on the debate and vote on this matter: "The House, unless it had no confidence in the Government, ought to have been satisfied with ... [the] assurance of the premier. But Mr. Badgley had canvassed his friends, and pressed his motion, which, had it been carried under such circumstances, would have been equivalent to a vote of want of confidence. Many of the supporters of the Government were absent, and the conspirators thought they could accomplish their object."
85. Commentaries on the introduction of this bill appeared in HAMILTON SPECTATOR DAILY, 19 March 1853, and HAMILTON SPECTATOR SEMI-WEEKLY, 23 March 1853, which also summarized the provisions of the bill.
86. The following papers reported the exchange on this matter in identical accounts: MORNING CHRONICLE, 25 February 1853, MONTREAL GAZETTE, 2 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
87. MORNING CHRONICLE, 25 February 1853.
88. IBID.
89. IBID.
90. All papers reported in error that the bill was read for the first time.
91. The debate on this matter was reported by GLOBE, 5 March 1853. The following papers noted the debate in identical accounts: MORNING CHRONICLE, 25 February 1853, MONTREAL GAZETTE, 2 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853, NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
92. GLOBE, 5 March 1853.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. IBID.

100. IBID.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. The following papers reported this Notice of Motion in partially identical accounts: GLOBE, 5 March 1853, and JOURNAL DE QUEBEC, 26 February 1853.
110. JOURNAL DE QUEBEC, 26 February 1853.
111. The following papers reported this Notice of Motion in partially identical accounts: GLOBE, 5 March 1853, and JOURNAL DE QUEBEC, 26 February 1853.
112. JOURNAL DE QUEBEC, 26 February 1853.
113. The following papers reported this Notice of Motion in identical accounts: GLOBE, 5 March 1853, and JOURNAL DE QUEBEC, 26 February 1853.
114. GLOBE, 5 March 1853.
115. The following papers reported this Notice of Motion in partially identical accounts: GLOBE, 5 March 1853, and JOURNAL DE QUEBEC, 26 February 1853.
116. GLOBE, 5 March 1853. JOURNAL DE QUEBEC, 26 February 1853, reported that the notice was for "lundi prochain."
117. GLOBE, 5 March 1853.
118. JOURNAL DE QUEBEC, 26 February 1853.
119. IBID.
120. IBID.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. The following papers reported this Notice of Question in identical accounts: GLOBE, 5 March 1853, and JOURNAL DE QUEBEC, 26 February 1853.
126. JOURNAL DE QUEBEC, 26 February 1853.
127. The following papers reported this Question and Answer in identical accounts: MORNING CHRONICLE, 25 February 1853, MONTREAL GAZETTE, 2 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853, NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
128. MORNING CHRONICLE, 25 February 1853.
129. IBID.
130. The following papers reported this Question and Answer in identical accounts: MORNING CHRONICLE, 25 February 1853, MONTREAL GAZETTE, 2 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853, NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
131. MORNING CHRONICLE, 25 February 1853.
132. IBID.
133. The following papers reported this Question and Answer in partially identical accounts: MORNING CHRONICLE, 25 February 1853, MONTREAL GAZETTE, 2 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853, NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The matter was also reported by: GLOBE, 5 March 1853; and JOURNAL DE QUEBEC, 24 February 1853. The following papers noted the matter in partially identical accounts:

- BRITISH WHIG, 24 February 1853, PILOT, 24 February 1853, MONTREAL GAZETTE, 25 February 1853, NORTH AMERICAN SEMI-WEEKLY, 25 February 1853, and EXAMINER, 2 March 1853.
134. GLOBE, 5 March 1853.
 135. IBID.
 136. IBID.
 137. MORNING CHRONICLE, 25 February 1853.
 138. JOURNAL DE QUEBEC, 24 February 1853.
 139. The following papers reported the debate on this Withdrawn Motion in partially identical accounts: MORNING CHRONICLE, 25 February 1853, MONTREAL GAZETTE, 2 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853, NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The debate was also reported by: GLOBE, 5 March 1853; and JOURNAL DE QUEBEC, 26 February 1853. The following papers noted the debate in partially identical accounts: BRITISH WHIG, 24 February 1853, PILOT, 24 February 1853, MONTREAL GAZETTE, 25 February 1853, NORTH AMERICAN SEMI-WEEKLY, 25 February 1853, and EXAMINER, 2 March 1853.
 140. MORNING CHRONICLE, 25 February 1853. The engineer's name was also reported as Serrel by NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. It was reported as Serrell by BRITISH WHIG, 24 February 1853, MONTREAL GAZETTE, 25 February 1853, NORTH AMERICAN SEMI-WEEKLY, 25 February 1853, EXAMINER, 2 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853, and GLOBE, 5 March 1853; as Serril by MONTREAL GAZETTE, 2 March 1853, and BRITISH COLONIST, 4 March 1853; and as Tirell by PILOT, 24 February 1853.
 141. GLOBE, 5 March 1853.
 142. IBID.
 143. MORNING CHRONICLE, 25 February 1853.
 144. GLOBE, 5 March 1853.
 145. JOURNAL DE QUEBEC, 26 February 1853.
 146. MORNING CHRONICLE, 25 February 1853.
 147. JOURNAL DE QUEBEC, 26 February 1853.
 148. MORNING CHRONICLE, 25 February 1853.
 149. GLOBE, 5 March 1853.
 150. MORNING CHRONICLE, 25 February 1853.
 151. GLOBE, 5 March 1853.
 152. JOURNAL DE QUEBEC, 26 February 1853.
 153. MORNING CHRONICLE, 25 February 1853.
 154. GLOBE, 5 March 1853.
 155. JOURNAL DE QUEBEC, 26 February 1853.
 156. GLOBE, 5 March 1853.
 157. JOURNAL DE QUEBEC, 26 February 1853.
 158. GLOBE, 5 March 1853.
 159. JOURNAL DE QUEBEC, 26 February 1853.
 160. GLOBE, 5 March 1853.
 161. IBID.
 162. MORNING CHRONICLE, 25 February 1853.
 163. IBID.
 164. MORNING CHRONICLE, 25 February 1853. JOURNAL DE QUEBEC, 26 February 1853, remarked that "M. Robinson ... ne [pouvait] être entendu de loin."
 165. JOURNAL DE QUEBEC, 26 February 1853.
 166. GLOBE, 5 March 1853.
 167. MORNING CHRONICLE, 25 February 1853.
 168. JOURNAL DE QUEBEC, 26 February 1853.
 169. GLOBE, 5 March 1853.

170. JOURNAL DE QUEBEC, 26 February 1853.
171. GLOBE, 5 March 1853.
172. MORNING CHRONICLE, 25 February 1853.
173. JOURNAL DE QUEBEC, 26 February 1853.
174. IBID.
175. GLOBE, 5 March 1853.
176. MORNING CHRONICLE, 26 February 1853.
177. GLOBE, 5 March 1853.
178. JOURNAL DE QUEBEC, 26 February 1853.
179. GLOBE, 5 March 1853.
180. MORNING CHRONICLE, 25 February 1853.
181. JOURNAL DE QUEBEC, 26 February 1853.
182. MORNING CHRONICLE, 25 February 1853.
183. JOURNAL DE QUEBEC, 26 February 1853, which added, "Mais, si le gouvernement s'opposant à la production demandé [sic], la chambre la permettait ou l'exigeait, l'opposition traverserait la chambre, et il (M. Hincks) et ses collègues n'auraient qu'à céder leurs places à leurs successeurs!"
184. GLOBE, 5 March 1853.
185. MORNING CHRONICLE, 25 February 1853. GLOBE, 5 March 1853, has "He knew that one had been sent to the Governor General."
186. MORNING CHRONICLE, 25 February 1853.
187. JOURNAL DE QUEBEC, 26 February 1853.
188. GLOBE, 5 March 1853.
189. MORNING CHRONICLE, 25 February 1853.
190. JOURNAL DE QUEBEC, 26 February 1853.
191. GLOBE, 5 March 1853.
192. The following papers reported the debate on this Withdrawn Motion in partially identical accounts: MORNING CHRONICLE, 25 February 1853, BRITISH WHIG, 2 March 1853, MONTREAL GAZETTE, 2 March 1853, BRITISH COLONIST, 4 March 1853, NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The debate was also reported by GLOBE, 5 March 1853. The following papers reported Mr. Clapham's introductory speech on this matter in partially identical accounts: BRITISH WHIG, 7 March 1853, HAMILTON SPECTATOR DAILY, 8 March 1853 (which copied from QUEBEC GAZETTE of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 9 March 1853 (which copied from QUEBEC GAZETTE of unknown date), and HAMILTON SPECTATOR WEEKLY, 10 March 1853 (which also copied from QUEBEC GAZETTE of unknown date).
193. MORNING CHRONICLE, 25 February 1853.
194. HAMILTON SPECTATOR DAILY, 8 March 1853.
195. GLOBE, 5 March 1853.
196. HAMILTON SPECTATOR DAILY, 8 March 1853.
197. BRITISH WHIG, 7 March 1853.
198. GLOBE, 5 March 1853.
199. BRITISH WHIG, 7 March 1853.
200. GLOBE, 5 March 1853.
201. BRITISH WHIG, 7 March 1853.
202. GLOBE, 5 March 1853.
203. BRITISH WHIG, 7 March 1853.
204. HAMILTON SPECTATOR DAILY, 8 March 1853.
205. MORNING CHRONICLE, 25 February 1853.
206. BRITISH WHIG, 7 March 1853.
207. GLOBE, 5 March 1853.
208. BRITISH WHIG, 7 March 1853.
209. GLOBE, 5 March 1853.
210. HAMILTON SPECTATOR DAILY, 8 March 1853.

211. GLOBE, 5 March 1853.
212. IBID.
213. MORNING CHRONICLE, 25 February 1853.
214. GLOBE, 5 March 1853. MORNING CHRONICLE, 25 February 1853, has "two."
215. GLOBE, 5 March 1853.
216. MORNING CHRONICLE, 25 February 1853.
217. GLOBE, 5 March 1853. NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and
NORTH AMERICAN WEEKLY, 10 March 1853, list the amounts as "£200 and £1000."
218. GLOBE, 5 March 1853.
219. MORNING CHRONICLE, 25 February 1853.
220. GLOBE, 5 March 1853.
221. IBID.
222. IBID.
223. MORNING CHRONICLE, 25 February 1853.
224. GLOBE, 5 March 1853.
225. IBID.
226. IBID.
227. IBID.
228. MORNING CHRONICLE, 25 February 1853.
229. IBID.
230. GLOBE, 5 March 1853.
231. MORNING CHRONICLE, 25 February 1853.
232. GLOBE, 5 March 1853.
233. MORNING CHRONICLE, 25 February 1853.
234. IBID.
235. IBID.
236. JOURNAL DE QUEBEC, 24 February 1853, which noted that "M. Dubord ...
[avait] eu à se plaindre à ce sujet dans la séance précédente et ...
[n'était] pas satisfait."
237. JOURNAL DE QUEBEC, 24 February 1853.
238. IBID.
239. IBID.
240. IBID.
241. IBID.
242. IBID.
243. IBID.
244. IBID.
245. IBID.

THURSDAY, 24 FEBRUARY 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Christie of Wentworth,--The Petition of the Mayor and Town Council of the Town of Brantford.

By the Honorable Mr. Cameron,--The Petition of the Grand Division of the Sons of Temperance of Canada West; and the Petition of the Reverend Henry Lancashire and others, of Russeltown and other places, in the County of Beauharnois.

By the Honorable Mr. Morin,--The Petition of the Municipal Council of the County of Terrebonne.

By Mr. Stuart,--The Petition of the Quebec Bank; and the Petition of Richard Ross and others, journeymen Bakers, residing in the City of Quebec.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Company of Proprietors of the Champlain and St. Lawrence Railroad; praying for the passing of an Act to exempt Railroads generally from Municipal taxation.

Of Lewis E. Rose and others, of the County of Stanstead; praying for an Act of Incorporation to enable them to carry on Banking at Stanstead Plain, under the name of the Stanstead County Bank.

Of the Upper Canada Mining Company; praying for the passing of an Act to increase the Capital Stock of the said Company.

Of the Grand River Navigation Company; praying for the passing of an Act to authorize the Town Council of Brantford to issue new Debentures of smaller sums in the place of such amount as may be returned to them by the said Company, and that the said Debentures may have the benefit of the Consolidated Loan Fund Act of Upper Canada.

Of Thomas Maley and others; praying for the passing of an Act to incorporate a Company for the construction of a Railway from the Town of Perth, in the County of Lanark, to the Bytown and Prescott Railway at or near Kemptville, in the County of Grenville.

Of the Reverend D. Paradis and others, of the Parish of La Visitation de la Pointe du Lac, County of St. Maurice; and of Amable Archambeault and others, of the County of Leinster; praying for the incorporation of a Company for the construction of a Railway on the North Shore of the River St. Lawrence from Quebec to Montreal, and that the Provincial Guarantee may be extended thereto.

Of John Crawford, Esquire, and others, of the United Counties of Leeds and Grenville, and of Lanark and Renfrew; praying for the passing of an Act to incorporate a Company under the name of "The Brockville and Ottawa Railway", and that a part of the unsurveyed lands above or near Pembroke be made to the said Company, to aid in constructing the said Railroad from Brockville to Pembroke by way of the mouth of the Madawaska.

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Of John Cunningham and others; and of John Stewart and others, all of the Township of Orford, County of Kent; praying the adoption of measures for the settlement and improvement of the Indian Reserve claimed by the Moravian Indians in the said Township.

Of the Company of Proprietors of the Champlain and St. Lawrence Railroad; praying the adoption of measures either by the Incorporation of a Company, or otherwise, for the construction of a Bridge across the River St. Lawrence opposite the City of Montreal.

Of the St. Lawrence and Atlantic Railroad Company; praying the adoption of measures for the construction of a Bridge available to all public interests, across the River St. Lawrence at the City of Montreal.

Of William Morrine, President, and others, the Commissioners of the River du Chêne Canal; praying that the period allowed for the completion of the said Works may be extended to the 1st November, 1859.

Of John Fraser, Esquire, and others, Proprietors of Fiefs and Seigniories in Lower Canada; praying that a day may be appointed for hearing them by Counsel at the Bar of the House, with reference to the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof, and that such day may not be earlier than the 25th of March next.

Of the Provisional Municipal Council of the County of Elgin; praying for the passing of an Act to disunite the said County from the County of Middlesex.

Of the Provisional Municipal Council of the County of Elgin; praying for a certain amendment to the Assessment Law of Upper Canada.

Of George N. Ridway, Esquire, and others, of the Township of Dudswell, County of Sherbrooke; praying for aid to open a new Road from the said Township to enable them more easily to benefit by the St. Lawrence and Atlantic Railroad, leading to the Town of Sherbrooke.

Of W.H. Webb and others, School Commissioners of the Township of Melbourne; representing that in their said capacity they had two new School Houses built in the said Township under a misapprehension of the application of the School Fund, and that they are unable to raise funds to pay for the said houses, and praying for aid in the premises.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 9th November, 1852, for copies of certain Despatches and Papers on the subject of the North Shore Railroad:--

The Despatches and Papers asked for by the above mentioned Address, were laid before the House on the 13th September last, with other Despatches relative to the Quebec and Halifax Railroad; and are printed in the Appendix (Z.) to the Journals of the present Session.

By Command.

A.N. Morin, Secretary.

Secretary's Office.

Quebec, 24th February, 1853.

Mr. Cartier, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, informed the House, That at the sitting of the Committee this day, the Counsel for the sitting Member raised an objection to further proceedings, on the ground that the Committee are dissolved, for the following reasons:--1st, Because, on the 18th day of November last, the day to which the Committee stood adjourned with leave of the House, but one Member was present:--2nd, Because, for three suc-

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cessive days no meeting of the Committee took place:--3rd, Because, on the 14th, 15th and 16th February instant, less than three Members were present at the meetings of the Committee for those days.

Mr. Cartier further informed the House, That the Committee after deliberating upon the said objection, and hearing the Agent for the Petitioners in reply, had agreed to the following Resolution:--

That the objection of the Counsel for the sitting Member be overruled, and the trial of the Petition referred to them proceeded with.

The Honorable Mr. LaTerrière, from the Standing Committee on Standing Orders, presented to the House the Twenty-second Report of the said Committee; which was

read, as followeth:--

Your Committee have examined the Petitions of John McGill Chambers for the establishment of the boundary line between Montague and North Elmsley,-- and of the Consumers' Gas Company of Toronto for an extension of the provisions of their Act of Incorporation; and they find that sufficient Notice has been given in each case.

Ordered, That the Return to an Address of the 8th November last, for various Documents relative to claims for damages alleged to have been caused to the property of individuals by the construction of the Beauharnois Canal, which was presented yesterday, be referred to the Standing Committee on Printing, with the view of preventing the reprint of such parts thereof as now appear on the Journals of this House.

Mr. Cartier moved, seconded by the Honorable Mr. Badgley, and the Question being proposed, That John Fraser, Esquire, and others, Proprietors of Fiefs and Seigniories in Lower Canada, be heard by Counsel at the Bar of this House, on the twenty-fifth day of March next, upon the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof, previous to the second reading thereof;¹

Objections were raised to putting off the matter so long, and some conversation ensued upon it.²

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Mr. Fortier moved in amendment to the Question, seconded by Mr. Mongenais, That the word "twenty-fifth" be left out, and the word "fourth"³ inserted instead thereof;

Mr. Sicotte moved in amendment to the said proposed Amendment, seconded by Mr. Varin, That the word "fourth" be left out, and the word "eleventh" inserted instead thereof;

And the Question being put on the Amendment to the said proposed Amendment; the House divided:--And it was resolved in the Affirmative.

And the Question being put on the Amendment to the Original Question, so amended, it was agreed to.

Then the main Question, so amended, being put;

Ordered, That John Fraser, Esquire, and others, Proprietors of Fiefs and Seigniories in Lower Canada, be heard by Counsel at the Bar of this House, on the eleventh day of March next, upon the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof, previous to the second reading thereof.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to amend the several Acts incorporating the Company of Proprietors of the Champlain and Saint Lawrence Railroad, and for other purposes;" and the same were read, as follow:--

Page 1, line 38. Leave out from "were" to "authorized" in line 39.

Page 1, line 39. After "borrow" insert "by any Act passed prior to the passing of the Act mentioned in the Preamble to this Act," and after "expedient"

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insert "and also all such other and further sum or sums not exceeding in all a sum of Seventy-five thousand pounds currency, as they may find it necessary to borrow from time to time, in order to redeem their Debentures already granted as hereinafter mentioned."

Page 2, line 2. After "therein" insert Clauses (A.)(B.)(C.) and (D.)

Clause (A.) "And be it enacted, That it shall be lawful for any holder of a Debenture, Bond, or other Security heretofore granted by the said Company under and in virtue of the provisions of the Act of the Legislature of this

Province, passed in the Session thereof held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, 'An Act to authorize the Company of Proprietors of the Champlain and Saint Lawrence Railroad to extend the said Road and for other purposes,' at any time after the passing of this Act to present the same to the said Company for redemption, and thereupon the amount therein specified shall become payable by the said Company within six months from the day of the date of such presentment, with interest until paid at the rate specified therein, and the said Company shall be bound and obliged to pay the same accordingly, whatever may be the day of payment stipulated in such Debenture, Bond, or other Security: Provided always, That nothing herein contained shall be construed to oblige any holder of any such Debenture, Bond, or other Security to present the same as aforesaid, or in any way to prolong the term for which any such Debenture, Bond, or other Security may have been granted. And in case of the default of the said Company so to redeem any such Debenture, Bond, or other Security as aforesaid, so presented as aforesaid, within the said period of six months, it shall be lawful for the holder thereof at any time after the expiration of the said period to cause together Notarial Certificates of such presentment and of protest in the name of such holder at the expiration of such period to be registered in the Registry Office of any County in which any portion of the real property of the said Company may be situate, and thereupon all the lands and property of the said Company shall become and be mortgaged and hypothecated in favor of the holder of such Debenture, Bond, or other Security, in the same manner and to the same effect and under and subject to the same provisions as if the same were a Debenture granted in virtue of this Act."

Clause (B.) "And be it enacted, That it shall also be lawful for any holder of any such Debenture, Bond, or other Security as last aforesaid, if he shall see fit and prefer so to do, at any time after the passing of this Act to present the same to the said Company and to require of the said Company in lieu thereof, a Debenture in the form and to the effect provided for by this Act; and thereupon it shall be the duty of the said Company to furnish him with a Debenture in the form and to the effect aforesaid, but for the same sum payable at the same time, and bearing interest at the same rate as the Debenture, Bond, or other Security so tendered for exchange as aforesaid; and in case of the default of the said Company so to do within fifteen days from the day of the date of such presentment, it shall be lawful for such holder to cause the Debenture, Bond, or other Security, so presented as last aforesaid, together with Notarial Certificates of such presentment and of protest in the name of such holder, at the expiration of the said last mentioned period, to be registered in the Registry Office of any County in which any portion of the real property of the said Company may be situate, and thereupon all the lands and property of the said Company shall become and be mortgaged and hypothecated in favor of the holder of such Debenture, Bond, or other Security in the same manner, and to the same effect, and under and subject to the same provisions as if the same were a Debenture granted in virtue of this Act."

Clause (C.) "And be it enacted, That the amount specified in each and every Debenture so granted in exchange, as well as in each and every Debenture, Bond, or other Security so registered after protest as aforesaid, shall be

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computed in and form part of the said last mentioned sum of Seventy-five thousand pounds, so that it shall not in any case be lawful for the said Company to grant Debentures under this Act for more than One hundred and seventy-five thousand pounds, or such less sum as may, with the aggregate amounts of all such Bonds, Debentures, or other Securities registered after protest as aforesaid, form the said sum of One hundred and seventy-five thousand pounds."

Clause (D.) "And be it enacted, That until Debentures, Bonds, or other Securities of the said Company, to the amount of One hundred and seventy-five thousand pounds, shall have been registered under the provisions of this Act, the holders of all Bonds, Debentures, or other Securities so registered, shall rank equally among themselves without any priority of mortgage or hypothec, whatever may be the dates of such Bonds, Debentures, or other Securities, or of the registration thereof respectively, any law, usage, or custom to the contrary notwithstanding."

Page 3, line 8. After "expedient" insert "Provided always that no such resolution shall have any force or effect until after it shall have been submitted to and approved and adopted by a general meeting of the Shareholders of the Company."

Page 3, line ult. After "Company" insert "with the counter-signature of the Secretary of the Company."

Page 4, line 4. After "such" insert "with the counter-signature of the Secretary of the said Company as such."

Page 4, line 10. After "Directors" insert "or Secretary."

Page 4, line 11. After "endorsing" insert "or assisting to make, draw, or endorse."

Page 4, line 21. After "Company" insert "in pursuance of any resolution to that effect, which may be adopted at a special general meeting of the Shareholders duly convened for that purpose."

Page 4, line 31. After "Railroad" insert "doing as little damage as may be, and making satisfaction to the owner or proprietor of or person interested in such land for all that he may lose or suffer by reason of such entry or felling and removal as aforesaid, in the manner provided by the Act lastly above cited."

Page 5, line 26. After "Company" insert "approved or revised."

Page 5, line 27. Leave out from "by" to "in" and insert "the Act cited in the Preamble to this Act."

Page 6, line 8. Leave out from "thereto" to "and" in line 12.

Page 6, line 22. After "unclaimed" insert Clauses (E.) and (F.)

Clause (E.) "Provided always, and be it enacted, That all or any of the said Tolls may by any By-Law be lowered and reduced and again raised as often as it shall be deemed necessary for the interests of the undertaking, subject to such approval and revision as aforesaid."

Clause (F.) "And be it enacted, That after the next annual general meeting of Shareholders of the said Company, no share or shares that shall have been held for a less period than three months immediately prior to any occasion on which the votes of the Shareholders of the said Company are to be taken, shall entitle the holder or holders thereof to vote on such occasion either in person or by proxy."

In the Schedule to the Bill.

Page 7, line 5. Leave out from "from" to "Saint."

And the said Amendments, being read a second time, were, with Amendments to several of them, agreed to.

Ordered, That the Honorable Mr. Badgley do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments, with several Amendments, to which they desire their concurrence.

MR. STUART⁴ moved that several petitions in favor of the North Shore Railway receiving the Government guarantee be printed.⁵

Motion carried.⁶

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Ordered, That the Petition of the Reverend L. Aubry and others, of the Parish of St. Léon, County of St. Maurice; the Petition of the Reverend N. Kéroack

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and others, of the Parish of Cap de la Magdelaine, County of Champlain; the Petition of Auguste Bourbeau and others, of St. Augustin, the Petition of Michel Naud and others, of Deschambault; the Petition of Baptiste Lépine and others, of Pointe aux Trembles; the Petition of the Reverend L.E. Bois and others, of the Parish of St. Joseph de Maskinongé; and the Petition of the Mayor and Councillors of the City of Quebec, be printed for the use of the Members of this House.

MR. BROWN⁷ moved that the petition of Olivier Duval and others, against the Three Rivers Cathedral bill be printed in French and English, with the names of the petitioners attached.⁸

Opposition was made to the motion by the parties who objected yesterday to the reception of the petition⁹.

MR. LAURIN (in French) briefly opposed the motion. He said if that petition contained falsehoods as had been alleged by hon. members of the House it was not proper for the House to circulate them by printing the petition.¹⁰

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Mr. Brown moved, seconded by Mr. Rose, and the Question being put, That the Petition of Olivier Duval, Esquire, and others of the Banlieue of the Town of Three Rivers, be printed in the English and French languages, with the names of the Petitioners attached, for the use of the Members of this House; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Burnham, Cameron, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Gamble, Gouin, Hartman, Langton, McDonald of CORNWALL, Mulloch, Mattice, McDougall, Morrison, Murney, Poulin, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Sicotte, Stevenson, Street, Terrill, Tessier, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(36.)

NAYS.

Messieurs Chapais, Fortier, Fournier, Jobin, Lacoste, Laurin, Mongenais, Polette, Valois, Varin, and Viger.--(11.)

So it was resolved in the Affirmative.

Ordered, That Mr. Christie of Wentworth have leave to bring in a Bill to authorize the Grand River Navigation Company to raise a certain sum of money by Loan.¹¹

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Christie of Wentworth have leave to bring in a Bill to amend the Act of the Parliament of the late Province of Upper Canada relating to Mutual Insurance Companies.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Christie of Wentworth have leave to bring in a Bill to amend the Act incorporating the Upper Canada Mining Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. RIDOUT¹² moved that Messrs. Hartman and Brown be added to the Select Committee to whom has been referred the petition of Bryce, McMurrich & Co. and

others, Merchants, of Toronto, on the subject of the Assessment Law. He stated there were no members on the other side of the House in the Committee, and moreover all the members of the Committee were representatives of towns, and he wished that some of the members of counties should be on the Committee.¹³

MR. BROWN had no objection to act upon any committee, but he thought that a matter of such importance as this should be taken up by the Government upon their own responsibility, and not by any committee. The injustice to the merchants, of the bill as it now stood, was great and obvious. It was the duty of the Government to remedy it, and the onus should not be removed from their shoulders.¹⁴

MR. RIDOUT said the ministry had before made explanations on the subject.¹⁵ [He made] a few remarks ... explanatory of the course to be taken by the Committee¹⁶.

The motion was carried.¹⁷

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Ordered, That Mr. Hartman and Mr. Brown be added to the Select Committee to which was referred the Petition of Messieurs Bryce, McMurrich and Company, and others, Merchants and Traders, of the City of Toronto.

MR. TESSIER¹⁸ [moved for] an instruction to ... the Committee on Printing relative to the distribution of the Provincial Statutes¹⁹.

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Ordered, That it be an Instruction to the Standing Committee on Printing to enquire into and report upon the regularity of the distribution of the Provincial Statutes of the last Session and the cost thereof, and the means of rendering such distribution more expeditious for the future.

Mr. Sicotte, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the

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County of Megantic, informed the House, That Seneca Paige, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

The Order of the day for the third reading of the Bill to provide for the care of habitual Drunkards, and the custody and disposal of their effects, being read;

Ordered, That the Bill be read the third time on Thursday next.

The Order of the day for the second reading of the Bill to abolish the Rectories being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to separate the Townships of Upton and Acton from the County of Drummond, and to annex the said Townships to the County of St. Hyacinthe, in the District of Montreal, for Judicial and Municipal purposes, being read;

MR. SICOTTE²⁰ moved the second reading of a bill to unite the Township of Upton and Acton to St. Hyacinthe.²¹

Motion carried²².

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The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Sicotte, the Honorable Mr. Attorney General Drummond, Mr. Turcotte, Mr. McDougall, and Mr. Varin, to report thereon with all con-

venient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to increase the Terms of the Circuit Court in the Circuit of St. Hyacinthe, in the District of Montreal, being read;

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to amend the Act therein mentioned for the protection of Indians in Upper Canada, by repealing the third Section thereof, being read;

Ordered, That the Bill be read a second time on Wednesday next.

The Order of the day for the second reading of the Bill to incorporate La Congrégation des Hommes de Ville Marie, in the City of Montreal, being read;

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to authorize Cities and Towns to establish and maintain Public Libraries, being read;

Ordered, That the said Order be discharged.

The Order of the day for the second reading of the Bill to explain part of a certain Act therein mentioned, and to define what persons shall have the right to vote at the Election of Members of the Legislative Assembly to represent the Cities of Quebec and Montreal, and the Town of Three Rivers, being read;²³

MR. CAUCHON moved the second reading of the bill to define what persons have the right to vote at Elections for Quebec, Montreal and Three Rivers. He said it was his intention to refer the bill to a special committee, where if any amendments were desired they could be made.²⁴

MR. PROV. SEC. MORIN said a few words which were inaudible.²⁵

MR. CAUCHON replied.²⁶

MR. LAURIN suggested postponement.²⁷

MR. BADGLEY said the bill was not wanted for Montreal, and he believed not for Three Rivers. He would vote against the bill unless the word Montreal were struck out.²⁸

MR. CAUCHON had no objection that it should be struck out in Committee.²⁹

MR. BADGLEY expressed himself satisfied with this.³⁰

MR. R. CHRISTIE (Gaspé) as we understood, contended that necessity existed for a bill of this nature in Quebec.³¹

MR. GAMBLE objected to issolated [sic] bills of this nature and contended in favor of a general bill.³²

MR. BROWN approved of Mr. Gamble's argument generally, but thought necessity existed for the case of Quebec in the present instance.³³

Motion carried³⁴.

(513)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Cauchon, the Honorable Mr. Badgley, Mr. Polette, Mr. Dubord, Mr. Sicotte, Mr. Solicitor General Chauveau, and Mr. Poulin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to amend the Act 14 & 15 Vic. cap. 126, intituled, "An Act to amend an Act, intituled, 'An Act

to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the navigation of the waters of this Province," being read;³⁵

MR. WHITE moved the second reading of the bill to amend the law requirring [sic] Vessels to carry a light. He explained that the object of the bill was to apply to Lower Canada, the provisions of the act on the same subject now in force in Upper Canada.³⁶

Motion carried³⁷.

(513)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. White, Mr. Lemieux, Mr. Dubord, Mr. Ridout, and Mr.

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Laurin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to make better provision for the collection of Claims against the Owners of Vessels, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the House again in Committee on that part of the Report of the Commissioners of Public Works for the year 1851, relating to the opening of a Canal between the St. Lawrence and Lake Champlain, being read;

Ordered, That the said Order of the day be postponed until Thursday the tenth day of March next.

The Order of the day for the second reading of the Bill to amend the Act 10 & 11 Vic. cap. 23, relative to Masters and Servants, and to extend the provisions thereof to Mechanics and others, being read;

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to amend the Laws relating to the University of Toronto, by separating its functions as a University from those assigned to it as a College, and by making better provision for the management of the Endowment thereof, and that of Upper Canada College, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to regulate the proceedings relative to the seizure of Real Property in cases of Folle Enchère, being read;³⁸

MR. SICOTTE moved the second reading of the bill to regulate proceedings on seizure of real property in certain cases in Lower Canada.

The object of the bill was stated to be the prevention of sales of real property on folle enchère, so as to give creditors a better security on property and prevent their claims being defeated by the action of the defendants, who at present, by getting their property bought in, postponed indefinitely the receipt of their debt by the creditors.³⁹

The bill was postponed on account of the absence of Mr. Drummond from sickness.⁴⁰

(514)

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to facilitate the discharge of hypothecs, charges and servitudes on Real Property, being read;

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to repeal so much of the Act providing for the optional commutation of the Tenure of Lands in the Fiefs and Seigniories of Lower Canada, as allows the commutation of the right of lods et ventes without the commutation of the other Seigniorial rights on the same lands, being read;

Ordered, That the Bill be read a second time on Tuesday the fifteenth day of March next.

The Order of the day for the second reading of the Bill to remove doubts regarding the right and liability of Foreign Executors, Administrators and Corporations to sue and be sued in Lower Canada, and for other purposes, being read;

Ordered, That the Bill be read a second time on Monday the seventh day of March next.

The Order of the day for the second reading of the Bill to provide a uniform mode of incorporating Societies formed for Charitable and Educational purposes, being read;

Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the second reading of the Bill to enforce the Registration of all Titles to lands in the Townships of Lower Canada, being read;

On motion of DR. FORTIER,⁴¹ the bill to enforce the registration of titles to lands in the Eastern Townships, was read a second time and referred.⁴²

(514)

The Bill was accordingly read a second time; and referred to the Select Committee appointed to inquire into the system upon which Lands have been con-

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ceded and sold in the Townships of Lower Canada, and into the causes which obstruct the settlement of the said Townships.

The Order of the day for the second reading of the Bill to limit and define the responsibilities of Executors, Administrators, Trustees and Guardians in certain cases, and to facilitate the settlement of their Accounts with the Estates of deceased persons, and for other purposes therein mentioned, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Hartman, the Honorable Mr. Macdonald, Mr. Morrison, Mr. Smith of Durham, and Mr. Langton, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to incorporate the Ecclesiastical Society of St. Michel, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the House again in Committee to take into consideration certain Resolutions on the subject of the Constitution of the Legislative Council of this Province, being read;

Ordered, That the said Order of the day be postponed until Tuesday next.

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for a remedy to abuses prejudicial to Agriculture," being read;

DR. POULIN⁴³ moved the second reading of the bill to amend the act relative to Agriculture, C.E. The amendments related especially to the method of obtain-

ing fences and water courses.⁴⁴

(515)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Poulin, the Honorable Mr. Cameron, Mr. Varin, Mr. Terrill, Mr. Lemieux, Mr. Sicotte, and Mr. Jobin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to repeal the Act 7 Will. 4, cap. 18, to "regulate the expenditure of District Funds within this Province," and to provide for the auditing and payment of certain accounts by the County Councils, being read;⁴⁵

MR. GAMBLE moved the second reading of the bill to provide for the payment of certain accounts by the County Councils in Upper Canada, but on the understanding that the matter was to be taken up, and one general Act brought in by the Government, Mr. Gamble withdrew his motion.⁴⁶

(515)

Ordered, That the Bill be read a second time on Thursday the tenth day of March next.

The Order of the day for the second reading of the Bill to repeal the Act 13 & 14 Vic. cap. 23, and to make further provision for protesting Foreign Bills of Exchange in Upper Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to amend certain Acts for the relief of Religious Societies, being read;

[The] motion of MR. J. SMITH⁴⁷ [for] the second reading of a bill to amend [the] Act for relief of Religious Societies in Upper Canada, which was merely a renewal of that of 1849, was carried.⁴⁸

(515)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Smith of Durham, Mr. Stevenson, Mr. Prince, Mr. Christie of Wentworth, and Mr. Langton, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to amend the Upper Canada Municipalities Act of 1849, and to grant to the several Municipalities the power of assessing for public improvements and the support of indigent infirm persons, being read;

Ordered, That the Bill be read a second time on Monday the seventh day of March next.

(516)

The Order of the day for the House in Committee on the Bill to amend the Act authorizing the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada, so as to compel them to keep their Roads in repair, being read;

Ordered, That the said Order of the day be postponed until Monday the seventh day of March next.

The Order of the day for the second reading of the Bill for the better securing of the Freedom of Elections, by the use of the Ballot in Lower Canada, being read;

Ordered, That the Bill be read a second time on Monday the seventh day of March next.

The Order of the day for the second reading of the Bill to extend the pro-

visions of the Act 12 Vic. cap. 24, to Companies formed for the purpose of improving the navigation of Rivers and Streams in Canada, being read;⁴⁹

MR. LANGTON moved the second reading of the bill to extend provisions of 12 Vic. cap. 24, to Companies for improving Navigation of Rivers, &c., which was carried, and the bill referred to a select committee, composed partly of Lower Canadians, in order to ascertain if it could be made to apply there.⁵⁰

(516)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Langton, the Honorable Mr. Viger, Mr. Egan, Mr. Turcotte, the Honorable Mr. Macdonald, Mr. Sicotte, Mr. McLachlin, Mr. Street, and Mr. Smith of Frontenac, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to enlarge the Representation of the People of this Province in Parliament, being read;
Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the second reading of the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof, being read;

Ordered, That the Bil[1] be read a second time on Friday the eleventh day of March next.

The Order of the day for the second reading of the Bill to provide for the making of certain Annual Returns to the Government, being read;

Ordered, That the Bill be read a second time on Monday the eleventh day of March next.

The Order of the day for the second reading of the Bill to extend the provisions of an Act, intituled, "An Act to amend the Act 'incorporating the Members of the Medical Profession in Lower Canada, and to regulate the study and practice of Physic and Surgery therein,' to afford relief to certain persons who were in practice as Physicians and Surgeons in this Province at the time when the said Act became Law," being read;

Ordered, That the Bill be read a second time on Thursday the tenth day of March next.

DR. LATERRIERE⁵¹ moved the House into Committee on a Bill to incorporate Charitable Ladies of St. Etienne of Malbaie.⁵²

(516)

The House, according to Order, resolved itself into a Committee on the Bill to incorporate La Société des Dames de la Paroisse de St. Etienne de la Malbaie;

MR. MATTICE ... [took] the chair.⁵³

DR. LATERRIERE explained the object of the Bill, which was⁵⁴ only intended to⁵⁵ incorporate certain ladies and enable them to hold property for the purpose of relieving the sick and the distressed. What objection, he said, could there be to such a proposition.⁵⁶ There was a clause directing these ladies to furnish accounts yearly to the House.⁵⁷ The Bill had been presented by him on the 3rd September, and was referred to the standing committee on private bills, when it was amended by striking the obnoxious word Religious, which would so offend the hon. member representing Kent. He should like to know what objection the member for Kent could find to a bill like this, intended only to promote charitable purposes.⁵⁸

MR. GAMBLE said that when other measures of this kind were before the House, he had voted for them because the Government had not brought forward

any general measure for the incorporation of such societies. Now, however, such a bill had been printed and laid before every member of the House, and unless the hon. member who introduced the bill now before the House could show that there was some difference between it and any other of a similar nature, he did not think that it should be proceeded with in its present shape.⁵⁹

MR. BROWN was free to admit that the bill before the House was one of the least objectionable of those numerous corporation bills which had been crowded through the Legislature of late years. The corporation proposed to be established was declared to be a charitable institution, under the management of the ladies of the locality. But the grand objection to all these measures held good as to this bill as in regard to all of them: it was to be a perpetual corporation, with power to hold real estate to the value of £1000 a-year, which would be thereby locked up in mortmain. Then there was no provision in the bill for securing the restriction imposed as to the amount of property, and no obligation imposed to make returns to the Legislature. This reckless manner of locking up land in the hands of these corporations might appear to some persons as a trifling matter--but a few years hence, when property rose in value, and the country was studded with large blocks of land unused and unimproved through the mischievous operation of such legislation--the folly of it would be felt in all its consequences.⁶⁰ He had refused to bring a similar bill into the House from Upper Canada, for the reasons he now mentioned, though the object of the society which asked was excellent.⁶¹

MR. BADGLEY, on behalf of the mover of the bill, was willing to have the sum altered. Instead of £1000 yearly, he would consent that the total value of property held by the corporation should be limited to £1000. This was all the parties desired.⁶²

DR. LATERRIERE said the property to be held by the society was only to be of the value of £1000. It had been inserted in the bill £1000 a year by mistake.⁶³

The first clause ... [was] proposed⁶⁴.

MR. BROWN proposed to amend the bill by inserting in the first clause a proviso⁶⁵ that the corporation should be entitled to hold real estate for actual use and occupancy only, and not for the purposes of endowment.⁶⁶

MR. HARTMAN seconded the amendment.⁶⁷

MR. CAUCHON.--Je m'oppose à l'amendement parce qu'il est aussi inutile qu'il est inefficace.⁶⁸ The bill now limited the property to a particular use, and if the parties did not choose to act in good faith, such a restraining clause would only be like the clauses in railway bills, which limited profits to ten or twelve per cent; but did not actually prevent them from making twenty-seven per cent.⁶⁹

MR. SICOTTE contended that the amendment proposed by Mr. Brown, would have no practical effect upon the bill.⁷⁰

MR. R. CHRISTIE proposed to vote down Mr. Brown's amendment and then carry one to be moved by him⁷¹. [He] moved that instead of £1,000 yearly value, £120 yearly value should be invested which would represent a capital of £2,000--a sum which he thought very moderate.⁷²

COL. PRINCE thought this was not unreasonable⁷³. [He] said that if the bill had been for the purpose of extending the revenues of the church of Rome,

or the Church of England, or any other church, he would be the first to oppose it--but as it was only for charitable purposes he could not see how any opposition could be made to it. He went on to speak of the benefits conferred by the charitable institutions of Lower Canada, and to say that in Upper Canada there was no proper means of relieving the poor, drawing comparisons between the two Provinces by no means favourable to Upper Canada, as far as the benevolence of her inhabitants was concerned.⁷⁴ Il dit que dans la cité de Québec on avait pourvu aux besoins des pauvres de manière à faire rougir de honte les protestants.

Dans le Haut-Canada, nous avons une loi par laquelle on loge les pauvres et on les protège contre les rigueurs de l'hiver; et rarement quelqu'un s'adresse-t-il à la municipalité du township ou du comté pour profiter de cette loi qui vienne en aide aux pauvres.⁷⁵ He did not think that £120 per annum, as proposed by Mr. Christie, would be at all too much⁷⁶. It was not desirable, in his opinion, to invest large quantities of real estate in these corporations; but in England there were numerous grants of land to support the poor, and within proper limits there was no objection to them.⁷⁷

MR. BROWN.--Not since George 2nd.⁷⁸

COL. PRINCE.--Oh he knew that; but he went back to the time of Alfred--to Old England, which all were proud of--to the time of the great Alfred--great because he was charitable like those ladies about to be incorporated by this bill.⁷⁹ [He] then went on to speak of the great benefits of the institutions in England somewhat similar to this.⁸⁰

MR. MARCHILDON thought it improper to make the ladies of Malbaie keep accounts, since they must then keep a clerk. He believed the ladies would establish a model farm on their property.⁸¹

MR. BROWN affirmed that the comparison of Upper and Lower Canada⁸² [qu']a fait le colonel Prince⁸³, was most uncalled for⁸⁴. [He] warmly defended the people of Upper Canada from the unjust aspersions attempted to be cast upon them for their alleged want of charity and benevolence.⁸⁵ Il n'y a pas de pays au monde où les voisins soient plus disposés à s'entre-aider.⁸⁶ Upper Canada, it is true, was not covered with institutions to relieve her people from the duties of consanguinity of friendship, and of neighbourhood--thank God that she was not! It is not by the cold, heartless intervention of legal corporations--but by the hand of private benevolence, by the genial warmth of personal kindness in the domestic abode, that distress and poverty ought to be relieved; and though there might be no parade of splendid piles, and no badge for the missionaries of Christian charity--yet he felt held to say, there was not a country under the sun, where the call of distress was more readily or more generously responded to, than in Upper Canada. In the daily life of the settler in the wild forest of Upper Canada, how many a tale might be unfolded of misfortune and suffering, unostentatiously relieved by the self-sacrificing philanthropy of neighbours, themselves yet struggling with the world! There may be benevolence, there may be much self-denial, though its charity is not dispersed through a richly-endowed institution. Look at the Continent of Europe--look at Spain and Rome, and Tuscany--and learn that countries may groan under the enervating effect of charitable corporations, that the fond ties of the family circle may be broken by the intervention of the public Asylum, that the masses may be taught to look for public aid to every distress--but that with it all, there may be a startling increase in the record of crime, and beggary, and suffering. He was astonished to hear the hon. member for Essex speak, as if such institutions were regarded favourably in England. No man knew better than him, that since the Mortmain Act of 9th chap. George II., the policy of England had been hostile to all such institutions as that now under discussion, and the report of the distinguished Commit-

tee of the House of Commons of last year--was as clear on that point as ever.⁸⁷ Such countries as Spain and Italy, where these institutions prevailed, were not so well off as England, where ... they were prohibited.⁸⁸ The whole character of Canadian legislation on these questions was inconsiderate and hurtful, and no better sample of it could be given, than the fact that the member for Gaspé, actually proposed to give this Corporation an endowment to the double value of their demand.⁸⁹ He would not do as the member for Gaspé proposed, give the ladies twice what they asked; but would give what they asked, £1,000 worth of land, only he would let them invest their money elsewhere than in land. There were two evils to be combatted: the first, the locking up of land in mortmain, the second, to prevent the poor from leaning on these public institutions for support.⁹⁰

MR. GAMBLE would vote against the bill, not on account of its object, for that was a very good one, nor on account of the amount of capital required, but because he objected to the system of legislation of⁹¹ loading of the statute book with private bills, instead of one general measure. He repelled also the comparison made by Mr. Prince, and asked the House to look at the two populations, and say which was the best, the wealthiest, and the most prosperous--that of Upper Canada or that of Lower Canada. Besides, though one such institution as this was not very harmful, he would not disguise his opinion that many of them would be most ruinous--think of corporations of this kind spread all over the country, all holding lands let out to tenants and exercising the privileges of landlord⁹². He thought a great evil would arise if these bills were multiplied. Look, he said, at the bill now before the House for the extension of the franchise. If it be carried into effect, a large number of votes will be given to tenants on the lands of these corporations, all of which will be under the influence of one great power, will not our liberty then be in danger?⁹³ In Upper Canada there were no poor to be seen in the streets from one end to the other. The poor were relieved by individuals, and at personal sacrifice, which was the correct system.⁹⁴ Mr. Prince had said that the country councils of Upper Canada had power to tax the people for the support of the poor, but that was not the case, for the change lately made in the constitution of those councils took away that power, and he (Mr. Gamble) intended to introduce a bill this session to restore it.⁹⁵

MR. CAUCHON⁹⁶ would like to see the hon. member for Kent come down with his statistics and apply them logically⁹⁷ to prove that the sufferings on the continent of Europe were caused by the institutions of those countries⁹⁸ and not attribute to the effect of these corporations, which he so much condemned, what had not been caused by them, and he would be ready to meet him and prove from history what, in all ages, such institutions had done for the relief of the distressed.⁹⁹ J'eusse voté en silence sans les observations qui sont tombées de la bouche de l'honorable député de Kent (M. Brown), et de celles de l'honorable député d'est York (M. Gamble). Mais ces observations demandent une réponse et je la leur donnerai.

Ils ne peuvent rien discuter dans cette chambre, quelque soit la question en débat, ils ne peuvent condamner un mal ou un état de choses, sans faire remonter ce mal moral, cet état de choses, s'ils existent, à une cause unique. Ainsi, s'ils ne trouvent pas le Bas-Canada riche et prospère, si ses récoltes, dévorées par la mouche, ne sont pas abondantes, si les institutions municipales n'opèrent pas parfaitement, si la culture n'est pas aussi bonne qu'ils la voudraient, de suite ils s'écrient: "Abolissez, faites disparaître du sol toutes ces institutions religieuses, toutes ces maisons de charité, tous ces hôpitaux, si vous voulez être prospère, si [vous] voulez être riches, si vous voulez être heureux."¹⁰⁰ If Lower Canada is poor and Upper Canada is rich, it could not be said that these institutions are the cause of that poverty; the

agreement would not logically apply. Everything that goes wrong must not be set down to these institutions, as if they were at the bottom of all the evils of the country.¹⁰¹ Ce n'est pas montrer beaucoup d'intelligence, que de ne pouvoir remonter à la source du mal. Soyez plus appréciateurs, soyez plus philosophes, montrez même plus de sens commun, et laissez-vous surtout moins dominer par le préjugé qui vous obscurcit le regard et qui vous empêche de voir la lumière et la vérité. (Très-bien).

Ces institutions qui vous offusquent ne nous ont pas fait de mal, elles ne nous ont fait que du bien.¹⁰² In Lower Canada the charitable institutions of the Church had done very much indeed to relieve human misery.¹⁰³ Pourquoi donc voudriez-vous que nous les abandonnions? que nous les repoussions? Est-ce parce que vous ne les aimez pas, est-ce parce que vous ne les connaissez pas?

Mais si vous les faites disparaître, où donc le malheureux ira-t-il chercher le soulagement de ses misères, où donc ira-t-il demander des consolations dans ses souffrances et physiques et morales? Rappelez-vous l'héroïsme des filles de la charité en 1847, qui allaient mourir les unes après les autres au foyer de la peste, pour y donner des remèdes physiques et surtout la parole onctueuse et sublime de la charité. (Très bien).¹⁰⁴ Eleven of the religious bodies of the City had died of the ship fever, in doing their duty¹⁰⁵ et l'année dernière, lorsque les gardes-malades de l'Hôpital de la Marine fuyaient devant le choléra,¹⁰⁶ when Doctors had despaired of getting attendants for the¹⁰⁷ sick poor,¹⁰⁸ lorsque les victimes nombreuses de ce terrible fléau étaient menacées de mourir sans secours et sans consolations, qui accourut à elles?

Un médecin protestant, le chef de cette institution, dans son isolement, appelait de toute sa volonté le secours des soeurs de la charité. Mais il y avait un obstacle. L'archevêque de Québec, redoutant les plaintes du¹⁰⁹ fanatisme¹¹⁰ ne répondait pas au désir de cet officier public; il se rendit enfin, et l'on sait les merveilles que ces nobles filles opérèrent.¹¹¹ They ... were of the greatest use. They were not paid for these services, they rendered them because they thought it was their duty to do so.¹¹² Bientôt les malades ne voulurent plus voir que les soeurs de la charité. (Ecoutez).

Ce sont là les institutions que vous voulez anéantir, pour leur substituer, sans doute, le paupérisme. Mais qu'est-ce que le paupérisme, qui pèse si lourdement sur le peuple anglais? C'est la loi substituée à la charité, à l'évangile, c'est la taxe remplaçant l'amour de ses semblables. On se taxe pour se débarrasser du pauvre, pour l'éloigner de soi comme un objet hideux, qui blesse le regard, qui flétrit l'odorat.¹¹³ It had been said that these institutions deadened the feelings of those connected with them, but look at the substitute for them; the poor law of England does more, it does not chill, it freezes the heart.¹¹⁴ Il tue les plus nobles sentiments de l'humanité. A l'infortuné qui demande du pain, vous répondez rudement; aux maisons des pauvres, nous sommes taxés pour vous y nourrir. (Très bien).¹¹⁵ He did not say that it was the fault of the people, but it was the fault of the law.¹¹⁶ Mais que se passe-t-il dans ces tristes lieux? On y viole les lois les plus saintes de l'évangile, on y porte atteinte aux principes les plus sacrés, aux sentiments les plus dignes de respect. Le mari y est séparé de son épouse, la mère de son enfant. Tel est le paupérisme, dont les millions servent à nourrir des milliers d'employés oisifs et sans entrailles. (Très bien).

Vous parlez des institutions du continent et vous les blâmez, parce que, dites-vous, elles sont la cause unique de l'inertie des populations européennes. Mais parcourez l'Europe et étudiez-y les institutions, et vous découvrirez que la charité, que ces institutions auxquelles vous êtes hostiles, ont fait mille fois plus pour soulager les misères et les infortunes de toutes espèces que la loi du paupérisme de la Grande-Bretagne.

Remontez même, si vous n'y avez pas d'objection, l'histoire à la main, jusqu'aux siècles du moyen-âge, et vous vous convaincrez que lorsque le despotisme et l'ignorance dominaient la société et la tenaient enchaînée dans les ténèbres, ces institutions qui couvraient le sol, étaient les seuls points où résidassent la liberté et l'humanité, les seuls ramparts contre l'oppression et le fer du cruel vainqueur, les seuls dépôts du passé de la littérature, de la science, de la civilisation future. (Ecoutez). Criez "écoutez," tant que vous voudrez, mais si vous avez des doutes, mais si vous m'y inviter, je vous prouverai avec l'histoire, ce que je viens de vous dire. (Très-bien, c'est vrai).¹¹⁷ The Dark ages had done more for the relief of human suffering in Europe, than had ever been done in England or elsewhere since the Reformation. That [sic] had been the effect of the reformation in England--not the religious effect; but the moral effect!¹¹⁸ What has England done since the Reformation for the relief of the poor? The Reformation dispossessed the Church of her property¹¹⁹, formerly locked up in institutions belonging to the poor¹²⁰, and placed it in the hands of the nobility, and what difference was there between building up a few rich families and endowing large corporations, for, although the property is in the hands of individuals, they cannot distribute it.¹²¹ Je n'attaque, je n'accuse aucun culte en particulier, tel n'est pas mon objet; mais la misère ne s'est-elle pas accrue dans une proportion effrayante depuis la réforme en Angleterre, la misère que soulageaient les institutions, dont vous avez donné les biens à quelques familles privilégiées? Que diriez-vous si j'allais affirmer que cette misère est le produit de vos nouvelles doctrines? Un homme de talent répondait naguère au gouvernement anglais: "Vous croyez que je veux entrer dans l'abbaye de Westminster; vous vous trompez. Non, je ne demande que de circuler alentour, pour y soulager la misère infinie qui enveloppe et qui flétrit de ses émanations infectes votre opulence."

Vous comparez l'industrie anglaise avec celle des nations continentales, et vous dites: ce sont les corporations religieuses et charitables qui tuent l'énergie des dernières, comme si la raison de cette différence ne se trouvait pas essentiellement ailleurs et là seulement. Vous la trouverez dans la différence des institutions politiques.¹²² If there were some evils which arose from these institutions, their general effect had not produced the misery which was imputed to them. But if England were more prosperous than other nations, it was simply because her people had had more free action than others¹²³. Son inertie industrielle, l'Europe la doit à la centralisation dans le gouvernement qui étouffe, qui éteint toutes les énergies individuelles. L'Angleterre, entourée d'eau de toutes parts, n'avait pas besoin de centraliser toutes ses forces sociales dans le gouvernement, et chaque intelligence laissée à elle-même y prit son essor, et de ces bons efforts multipliés et isolés, est née la puissance industrielle du peuple anglais, (très bien).

Mais c'est le besoin, c'est l'instinct de la conservation, c'est le sentiment national qui a poussé la France, surtout de Richelieu à Bonaparte, à tout centraliser dans le pouvoir. On comprenait que cette centralisation était funeste au développement des ressources nationales, mais on avait besoin de se prémunir à tous les moments du jour contre l'invasion étrangère, et ce salut ne pouvait se trouver que là, dans la centralisation. Il fallait que le pouvoir, pour résister efficacement, pût disposer, au moment donné, de toutes les forces de la société.¹²⁴ The military power of their neighbours, had forced them to resort to the strengthening of the central power, and so to crush individual action--to crush what was commonly called public spirit; but what was more properly called private spirit.¹²⁵ Sous ce rapport, l'Allemagne et l'Autriche, sont dans une condition plus défavorable que la France encore; car, en Autriche, ce ne sont pas seulement les forces sociales qui sont dans les mains du pouvoir, ce sont les industries même qu'il exploite, ... et qui ... ne ... laissent rien, absolument rien à l'énergie et à l'entreprise [sic] indi-

viduelle. (Ecoutez).

C'est un mal comme vous voyez, c'est un mal nécessaire; mais pouvez-vous l'attribuer aux institutions dont nous parlions il y a un instant?¹²⁶ If it can be shown that these institutions are improper or dangerous, let them be swept away, but do not charge them with evils that they do not occasion, and remember that it was of charitable and not religious institutions that they were discussing.¹²⁷ Vous craignez les corporations religieuses et charitables; parce que, dites-vous, se perpétuant, elles finiront par envahir le sol tout entier. Soit, mais avez-vous poussé une plainte, une seule plainte contre l'état social anglais? Un souverain de la Grande-Bretagne, en dépouillant l'église de ses biens, les a donnés à quelques familles privilégiées [*sic*], et la propriété nationale toute entière se perpétue indéfiniment dans les mains de quelques familles, sans jamais retomber dans le commerce, et sans jamais subir la division et le morcellement.¹²⁸ All feeling men in England were ready to acknowledge the evils of the system.¹²⁹ Cet état de choses que vous souffrez en silence, est-ce quelque chose de mieux, de plus rassurant, que nos corporations religieuses et charitables qui ne mangent pas le pain du pauvre, mais le nourrissent, soulagent ses souffrances et lui donnent l'instruction? (Très bien).¹³⁰ It was true that in a rising country like this, too great a number of these institutions should not be allowed¹³¹. He indeed blamed their number in Italy and Germany, and believed that there, as elsewhere, riches had produced degeneracy, and that was the reason he did not desire¹³² the general law proposed by the Government for the incorporation of these societies because under it, it would only be necessary to go through a few forms to establish them. Too great an accumulation of wealth is also an evil, for in the present state of the country, a man with £50,000 a year would be able to overthrow the Government, though, on the other hand that was no argument against their possessing a moderate endowment. Much was said about the backwardness of Lower Canada, and she was continually taunted with her infirmity; but this should not be attributed to the effect of the institutions they were discussing. There was, perhaps, a lack of energy on the part of the inhabitants¹³³ which might be removed by example: but which could not be removed by sneers and discouraging, insulting comparisons.¹³⁴ Vous insultez sans cesse le Bas-Canada; vous dites qu'il n'a ni énergie ni industrie, ni esprit de progrès. Croyez-vous que l'outrage soit le meilleur moyen d'améliorer son sort? Croyez-vous que vos insultes incessantes puissent amener la conviction? Oh! non, c'est par le conseil, c'est par la bienveillance, c'est surtout par l'exemple que vous parviendrez à votre but, si ce but est louable et bon. L'agriculteur s'améliorera en voyant son voisin cultiver mieux que lui et non pas si vous l'outragez chaque jour en l'accusant d'ignorance et d'incapacité. (Très bien).¹³⁵ There was at this moment much improvement going on in the country, and the fact was the people were discouraged by being continually taunted with their infirmity. He was not at all surprised that the hon. member for Kent should oppose this bill because he did so on principle, and he hoped that this discussion would do good by showing that there was good in both countries that each might well imitate.¹³⁶ He would remind the hon. member for Kent, that there was good to be found every where, and that the worst intellectual vice a man could have was to think no good could come from elsewhere than from his own country--to want charity and tolerance for the opinions of others.¹³⁷ Mais surtout, si vous trouvez un mal quelque part dans nos institutions sociales, remontez à la source de ce mal et ne l'attribuez pas à la cause qui en est innocente, et dont tout le crime est de nous avoir fait du bien jusqu'ici. (Très-bien).¹³⁸

MR. LANGTON began by defending England against the aspersions, which he said had been cast on her--very naturally considering the provocation--by Mr.

Cauchon.¹³⁹ He had himself seen the continent of Europe as well as England and he fearlessly asserted that there was more wretchedness on the continent than he had ever seen in his own country. In Italy especially, the country where were most of these charitable institutions, beggars swarmed on every hand, in almost countless numbers. He approved very much of Mr. Brown's opinion that charity ought to be voluntary, and probably if he were legislating for Upper Canada he would be ready to apply the principle. But though Lower Canada was politically united to Upper Canada, she was not and could not be socially united, and he would never think of attempting to force upon the Lower Canadians the particular views entertained by himself and derived from his birth and education--views as proper to an Englishman in England as contrary views were to a Canadian in Lower Canada. The hon. member for Kent might have a different opinion; but for his own part he could not look through Lower Canada and see the large, well behaved, respectable and quiet population without believing that the institutions established there had done at least some good.¹⁴⁰

MR. BADGLEY contended that there were corporations in England, and if hon. members wanted to go there for examples, they might find them in abundance. Were not trustees in England holding property for benevolent purposes corporations? £1,750,000 a-year were there distributed for benevolent and philanthropic purposes by the hands of trustees. In England there existed a system of law allowing these charitable trusts, which we had not in Canada. That law amounted to the same thing as corporations in Canada.¹⁴¹

MR. BROWN said he would answer all the arguments when the Attorney General's bill came up.¹⁴²

DR. LATERRIERE (in French) repudiated the comparison between Upper and Lower Canada established by Mr. Langton. If Upper Canada were richer than Lower Canada it was because Upper Canada had hitherto been the recipient of large sums of public money from the Government partly at the expense of Lower Canada. As to the charity of the two systems, which had been spoken of, the difference was that in Lower Canada the poor man was relieved, and in Upper Canada or England he was sent about his business, and told with gnashing of teeth that the state provided for the relief of the poor. It was said that this House should, in 1853, have become a focus of religious agitation, which must be at [sic] misfortune to the country. Tolerance had always distinguished the French Canadians, and respect for the ministers of all churches who deserved respect. It was a pity this should cease. One word to the author of this tempest against the ladies of Malbaie. He must be terribly out of temper with the ladies, and probably no favorite with them, to pay such bad compliments to them as to refuse them the right to hold this property. This poisonous toadstool insulting to the ladies and to the institutions of the country, was the worst pest which had ever risen up in Lower Canada. Where did the hon. member find better men than those at the head of our institutions--who were always ready to expose themselves to the vermin and pestilence brought to the country by unfortunate and dirty emigrants? Those people were the blessed evangelists of Canada, and no prejudice could overturn those well known facts. He would insist upon this bill, and if Mr. Brown were the only one who opposed it, there would at least be an opportunity afforded to distinguish between the true elect and the Bouc d'Israel ... whose duty it was to carry away the sins of the people.¹⁴³

COL. PRINCE declared his affection for England, and spoke generally in review of the debate. He contended that Lower Canada was better provided with charitable institutions than Upper Canada, and he was sorry to say it.¹⁴⁴

Amendment put and lost,--MESSRS. HARTMAN, DAVID CHRISTIE, G. BROWN, and AMOS WRIGHT ... voting for it.¹⁴⁵

MR. R. CHRISTIE (Gaspé) moved an amendment to allow £120 a year. He censured the hon. member for Kent, for running amuck against the Roman Catholic religion, and endeavoring to promote agitation against it. The hon. member fancied himself a John Knox.¹⁴⁶

MR. BROWN here rose and called the hon. member to order. He assumed too great license. If language such as that were permitted it would lead to scenes not proper for the floor of the House.¹⁴⁷

MR. R. CHRISTIE persisted in his statements.¹⁴⁸

Amendment carried.¹⁴⁹

The remainder of the clauses of the bill were adopted¹⁵⁰.

Le bill passa en comité, 5 ... votant contre: BROWN ... CHRISTIE de Wentworth, HARTMAN, WHITE et WRIGHT, de la division Est de York.¹⁵¹

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mattice reported, That the Committee had gone through the Bill, and made an amendment thereto.

The Honorable Mr. LaTerrière moved, seconded by Mr. LeBlanc, and the Question being proposed, That this House doth concur with the Committee in the said amendment;

MR. BROWN said in order to put his views on record he would move the following resolution:--

"That the Bill be recommitted in order to add the following words to the first clause thereof: 'Provided always that no real estate shall be held by the said Association for the purpose of deriving a revenue therefrom, but only such real estate as it may require for its actual occupancy.'"¹⁵²

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Mr. Brown moved in amendment to the Question, seconded by Mr. Hartman, That all the words after "That" to the end of the Question be left out, in

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order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of adding the words 'Provided always that no Real Estate shall be held by the said Association for the purpose of deriving a revenue therefrom, but only such Real Estate as it may require for its actual occupancy'" at the end of the first Clause thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Christie of WENTWORTH, Hartman, Patrick, White, and Wright of East Riding of YORK.--(6.)¹⁵³

NAYS.

Messieurs Badgley, Cameron, Cauchon, Chapais, Christie of GASPE, Clapham, Dixon, Dubord, Dumoulin, Fortier, Fournier, Gamble, Gouin, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Marchildon, Mattice, McDougall, Mongenais, Morin, Polette, Poulin, Prince, Attorney General Richards, Ridout, Rolph, Sanborn, Shaw, Sicotte, Stevenson, Stuart, Terrill, Turcotte, Valois, Varin, Viger, and Wright of West Riding of YORK.--(41.)

So it passed in the Negative.

Then the main Question being put;

Resolved, That this House doth concur with the Committee in the said amendment.

Ordered, That the Bill be read the third time on Tuesday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Dixon, seconded by Mr. Mattice,
The House adjourned.

APPENDIX: 24 FEBRUARY 1853.

[NOTICE OF MOTION RE: BILL SUPPLEMENTING BILL ANNEXING ST. ANNE DES MONTS AND CAP CHAT TO KAMOURASKA.]¹⁵⁴

MR. R. CHRISTIE (Gaspé) [gave notice that] on Monday next [he will introduce a] Bill supplementary to that passed this Session for annexing the Settlement of St. Anne des Monts and Cap Chat for Judicial purposes, to the District of Kamouraska.¹⁵⁵

[NOTICE OF MOTION RE: BILL AUTHORIZING CIE. DES MANUFACTURES DE MONTREAL TO INCREASE CAPITAL.]

MR. BADGLEY [donna avis que] lundi prochain [il introduira un] Bill pour autoriser la compagnie des manufactures de Montréal à augmenter son capital, et pour d'autres fins.¹⁵⁶

[NOTICE OF MOTION RE: SUSPENSION OF HOUSE RULES FOR CIE. DES MANUFACTURES DE MONTREAL CAPITAL INCREASE BILL.]

MR. BADGLEY [donna avis que] lundi prochain [il] demandera que les 64e, 66e et 74e règles de cette chambre soient suspendues relativement au dit bill.¹⁵⁷

[NOTICE OF ADDRESS RE: CORRESPONDENCE BETWEEN BOARD AND EXECUTIVE RESPECTING AN ICE BRIDGE AT QUEBEC.]¹⁵⁸

MR. CLAPHAM [gave notice that] on Monday next [he will move for an] Address to His Excellency the Governor General, praying him to direct the proper officer to lay before this House, Copies of Correspondence between the Trinity Board of Quebec and the Executive Government.¹⁵⁹

[NOTICE OF QUESTION RE: REDUCTION OR ABOLISHMENT OF DUTIES ON SHIPBUILDING MATERIALS.]¹⁶⁰

MR. DUBORD [donna avis que] le 1er mars [il] demandera à l'administration si le gouvernement se propose de réduire les droits sur les articles et effets suivants, employés dans la construction des vaisseaux, ou de les admettre libres de droits, savoir:--toutes les espèces de cordages, toiles à voiles, cuivre en barres ou en feuilles, métal jaune (yellow metal) en barres ou en feuilles, fer, vernis luisant et vernis noir; huile de pin, ciment marin, poix, goudron, résine, ancres, chaînes, toute espèce de métaux manufacturés pour l'usage des constructeurs de vaisseaux, gournables, étamine, feutre en feuilles, chevilles, compas et étoupe.¹⁶¹

[NOTICE OF QUESTION RE: EQUALIZATION OF COUNTY TAXATION.]¹⁶²

MR. LANGTON [gave notice that] on Monday next [he would make an] Enquiry of Ministry, whether, taking into consideration the great probable increase of Municipal Taxation, they are prepared to make any alteration in the Assessment Laws to relieve Towns and Villages from the present unequal pressure of County rates.¹⁶³

[NOTICE OF QUESTION RE: CHANGES IN TARIFF OR CANAL DUES.]¹⁶⁴

MR. BROWN gives notice that on Monday next he will inquire of the members of the Administration in this House, whether it is the intention of Government to propose to the Legislature, during the present Session, any change on the Customs' Tariff, or on the Tolls upon the Canals; and if so, on what day it will be convenient for them to explain to this House the character of such proposed changes.¹⁶⁵

FOOTNOTES: 24 FEBRUARY 1853.

1. This matter was noted in identical accounts by: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
2. MORNING CHRONICLE, 28 February 1853.
3. The following papers reported that "Dr. Fortier moved an amendment ... that the 3rd of March be substituted....": MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
4. The following papers reported this motion in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
5. MORNING CHRONICLE, 28 February 1853.
6. IBID.
7. The following papers noted the exchange on this matter in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The matter was also noted by GLOBE, 5 March 1853.
8. GLOBE, 5 March 1853.
9. IBID.
10. MORNING CHRONICLE, 28 February 1853.
11. The following papers agree in reporting that Mr. D. Christie introduced a bill to amend the act authorizing the Grand River Navigation Company to raise a certain sum of money by loan: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), GLOBE, 5 March 1853, NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
12. The following papers reported the exchange on this matter in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The exchange was also reported by GLOBE, 8 March 1853.
13. GLOBE, 8 March 1853.
14. IBID.
15. MORNING CHRONICLE, 28 February 1853.
16. GLOBE, 8 March 1853.
17. IBID.
18. The following papers noted this motion in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
19. MORNING CHRONICLE, 28 February 1853.
20. The following papers noted this motion in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3

March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.

21. MORNING CHRONICLE, 28 February 1853.
22. IBID.
23. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
24. MORNING CHRONICLE, 28 February 1853.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. The following papers reported this motion in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The motion was also reported by GLOBE, 8 March 1853.
36. MORNING CHRONICLE, 28 February 1853.
37. IBID.
38. The following papers reported this motion in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
39. MORNING CHRONICLE, 28 February 1853.
40. IBID.
41. The following papers noted this motion in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
42. MORNING CHRONICLE, 28 February 1853.
43. The following papers reported this motion in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
44. MORNING CHRONICLE, 28 February 1853.
45. This motion was reported by GLOBE, 8 March 1853. The following papers noted it in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
46. GLOBE, 8 March 1853.

47. The following papers noted this motion in identical accounts: MORNING CHRONICLE, 28 FEBRUARY 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The matter was also noted by GLOBE, 8 March 1853.
48. MORNING CHRONICLE, 28 February 1853.
49. The following papers reported these proceedings in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
50. MORNING CHRONICLE, 28 February 1853.
51. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, HAMILTON SPECTATOR WEEKLY, 10 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The debate was also reported by: GLOBE, 8 March 1853; LA MINERVE, 1 March 1853; and JOURNAL DE QUEBEC, 5 March 1853.
52. GLOBE, 8 March 1853.
53. IBID.
54. IBID.
55. MORNING CHRONICLE, 28 February 1853.
56. GLOBE, 8 March 1853.
57. MORNING CHRONICLE, 28 February 1853.
58. GLOBE, 8 March 1853.
59. IBID.
60. IBID.
61. MORNING CHRONICLE, 28 February 1853.
62. GLOBE, 8 March 1853.
63. MORNING CHRONICLE, 28 February 1853.
64. IBID.
65. IBID.
66. GLOBE, 8 March 1853.
67. IBID.
68. JOURNAL DE QUEBEC, 5 March 1853.
69. MORNING CHRONICLE, 28 February 1853.
70. GLOBE, 8 March 1853.
71. MORNING CHRONICLE, 28 February 1853.
72. GLOBE, 8 March 1853.
73. MORNING CHRONICLE, 28 February 1853, which JOURNAL DE QUEBEC, 5 March 1853, translated as, "Ces amendements ne sont pas raisonnables."
74. GLOBE, 8 March 1853.
75. JOURNAL DE QUEBEC, 5 March 1853. A similar account of this section of Col. Prince's speech appeared in LA MINERVE, 1 March 1853. MORNING CHRONICLE, 28 February 1853, reported it differently: "Where was the law in Western Canada by which the beggar was taken up and protected from the winter's blast? Scarcely any one applied to the Municipal or County Councils, without being told that there was no law for their relief." See Mr. Gamble's speech below for clarification.
76. GLOBE, 8 March 1853.
77. MORNING CHRONICLE, 28 February 1853.
78. IBID.
79. IBID.

80. GLOBE, 8 March 1853.
81. MORNING CHRONICLE, 28 February 1853.
82. IBID.
83. JOURNAL DE QUEBEC, 5 March 1853.
84. MORNING CHRONICLE, 28 February 1853.
85. GLOBE, 8 March 1853.
86. JOURNAL DE QUEBEC, 5 March 1853.
87. GLOBE, 8 March 1853.
88. MORNING CHRONICLE, 28 February 1853.
89. GLOBE, 8 March 1853.
90. MORNING CHRONICLE, 28 February 1853.
91. GLOBE, 8 March 1853.
92. MORNING CHRONICLE, 28 February 1853.
93. GLOBE, 8 March 1853.
94. MORNING CHRONICLE, 28 February 1853.
95. GLOBE, 8 March 1853.
96. Our account of Mr. Cauchon's speech in this debate is based largely on the JOURNAL DE QUEBEC, 5 March 1853. It is well to remember in connection with passages taken from the JOURNAL DE QUEBEC that it was Mr. Cauchon's own newspaper.
97. GLOBE, 8 March 1853.
98. MORNING CHRONICLE, 28 February 1853.
99. GLOBE, 8 March 1853.
100. JOURNAL DE QUEBEC, 5 March 1853.
101. GLOBE, 8 March 1853.
102. JOURNAL DE QUEBEC, 5 March 1853.
103. MORNING CHRONICLE, 28 February 1853.
104. JOURNAL DE QUEBEC, 5 March 1853.
105. MORNING CHRONICLE, 28 February 1853. GLOBE, 8 March 1853, quotes Mr. Cauchon as saying that "in the time of the cholera ... seventeen of ... [the nuns] died in one town."
106. JOURNAL DE QUEBEC, 5 March 1853.
107. MORNING CHRONICLE, 28 February 1853.
108. GLOBE, 8 March 1853.
109. JOURNAL DE QUEBEC, 5 March 1853.
110. JOURNAL DE QUEBEC, 8 March 1853, in a correction to JOURNAL DE QUEBEC, 5 March 1853, which read "favoritisme." GLOBE, 8 March 1853, has, "lest their [the doctors'] religious prejudices should interfere."
111. JOURNAL DE QUEBEC, 5 March 1853.
112. GLOBE, 8 March 1853.
113. JOURNAL DE QUEBEC, 5 March 1853.
114. GLOBE, 8 March 1853.
115. JOURNAL DE QUEBEC, 5 March 1853.
116. GLOBE, 8 March 1853.
117. JOURNAL DE QUEBEC, 5 March 1853.
118. MORNING CHRONICLE, 28 February 1853.
119. GLOBE, 8 March 1853.
120. MORNING CHRONICLE, 28 February 1853.
121. GLOBE, 8 March 1853.
122. JOURNAL DE QUEBEC, 5 March 1853.
123. MORNING CHRONICLE, 28 February 1853.
124. JOURNAL DE QUEBEC, 5 March 1853.
125. MORNING CHRONICLE, 28 February 1853.
126. JOURNAL DE QUEBEC, 5 March 1853.
127. GLOBE, 8 March 1853.
128. JOURNAL DE QUEBEC, 5 March 1853.

129. GLOBE, 8 March 1853.
130. JOURNAL DE QUEBEC, 5 March 1853.
131. GLOBE, 8 March 1853.
132. MONTREAL GAZETTE, 2 March 1853.
133. GLOBE, 8 March 1853.
134. MORNING CHRONICLE, 28 February 1853.
135. JOURNAL DE QUEBEC, 5 March 1853.
136. GLOBE, 8 March 1853.
137. MORNING CHRONICLE, 28 February 1853.
138. JOURNAL DE QUEBEC, 5 March 1853.
139. MORNING CHRONICLE, 28 February 1853. According to JOURNAL DE QUEBEC, 5 March 1853, the aspersions were "non provoquées, à son opinion."
140. MORNING CHRONICLE, 28 February 1853.
141. IBID.
142. IBID.
143. MORNING CHRONICLE, 28 February 1853, which commented that Dr. Laterrière "displayed much warmth throughout his speech." JOURNAL DE QUEBEC, 5 March 1853, commented that Dr. Latterrière "[donna] à ce braillard pharisaïque, GEORGE BROWN, cet homme qui parle sans cesse de conscience, de tolérance, une leçon bien méritée pour ses attaques incessantes contre les institutions catholiques du Bas-Canada."
144. MORNING CHRONICLE, 28 February 1853.
145. IBID.
146. IBID.
147. IBID.
148. MORNING CHRONICLE, 28 February 1853. JOURNAL DE QUEBEC, 5 March 1853, added, "et le braillard pharisaïque qui cherche à se faire du fanatisme des protestants du Haut-Canada, un marche-pied pour parvenir au pouvoir, fut obligé d'avalier sans mot dire, les mercuriales des honorables députés du Saguenay et de Gaspé."
149. MORNING CHRONICLE, 28 February 1853.
150. IBID.
151. JOURNAL DE QUEBEC, 5 March 1853.
152. MORNING CHRONICLE, 28 February 1853.
153. MORNING CHRONICLE, 28 February 1853, likely confusing this vote with the vote on Mr. Brown's amendment in committee, omitted Mr. Patrick from its list of yeas and counted five.
154. The following papers reported this Notice of Motion in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 4 March 1853, and JOURNAL DE QUEBEC, 26 February 1853.
155. MORNING CHRONICLE, 28 February 1853.
156. JOURNAL DE QUEBEC, 26 February 1853.
157. IBID.
158. The following papers reported this Notice of Address in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 4 March 1853, and JOURNAL DE QUEBEC, 26 February 1853.
159. MORNING CHRONICLE, 28 February 1853.
160. The following papers reported this Notice of Question in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 4 March 1853, and JOURNAL DE QUEBEC, 26 February 1853.
161. JOURNAL DE QUEBEC, 26 February 1853.
162. The following papers reported this Notice of Question in identical accounts: MORNING CHRONICLE, 28 February 1853, and MONTREAL GAZETTE, 4 March 1853.
163. MORNING CHRONICLE, 28 February 1853.

164. The following papers reported this Notice of Question in identical accounts: MORNING CHRONICLE, 25, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, BRITISH COLONIST, 4 March 1853, HAMILTON SPECTATOR DAILY, 4 March 1853 (which copied from MONTREAL GAZETTE), NORTH AMERICAN SEMI-WEEKLY, 8 March 1853, NORTH AMERICAN WEEKLY, 10 March 1853, and JOURNAL DE QUEBEC, 26 February 1853. The following papers noted this matter in identical accounts: BRITISH WHIG, 26 February 1853, GLOBE, 26 February 1853, HAMILTON SPECTATOR DAILY, 26 February 1853, PILOT, 26 February 1853, MONTREAL GAZETTE, 28 February 1853, and EXAMINER, 2 March 1853 (which misdated its account as 25 February 1853).
165. MORNING CHRONICLE, 25 February 1853.

FRIDAY, 25 FEBRUARY 1853.¹

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Terrill,--The Petition of Wilder Pierce and others, Directors of the Stanstead Seminary.

By Mr. Mongenais,--The Petition of the Municipal Council of the County of Vaudreuil; and the Petition of George M. Bradford, of the Township of Chatham.

By the Honorable Mr. Young,--The Petition of the Municipal Council of the County of Two Mountains.

By the Honorable Mr. Badgley,--The Petition of William Workman, Esquire, and others, of the City of Montreal; and the Petition of the Mayor and Corporation of the City of Montreal.

By the Honorable Mr. Rolph,--The Petition of George J. Ryerse, Esquire, of the Township of Woodhouse, County of Norfolk, and others, heirs and devisees of Samuel Ryerse, late of the said Township, Esquire; and the Petition of

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Frederick Fick and others, of the Townships of Walsingham and Houghton, County of Norfolk.

By the Honorable Mr. Cameron,--The Petition of Patrick McGuire and others, of Ashfield and other Townships in the United Counties of Huron and Bruce.

By Mr. Willson,--The Petition of the Provisional Municipal Council of the County of Elgin.

Pursuant to the Order of the day, the following Petitions were read:--

Of James S. Howard, Esquire, and others, members and friends of the Upper Canada Bible Society; praying for the passing of an Act to incorporate the Members of the said Society.

Of the Reverend Alexander Sanson and others, members and friends of the Upper Canada Religious Tract and Book Society; praying for the passing of an Act to incorporate the Members of the said Society.

Of the Provisional Municipal Council of the County of Elgin; praying that the Jurors' Act of Upper Canada may be so amended as to reduce the expenses thereof.

Of the Town Council of the Town of London; praying that the Municipal Corporations Act may be amended in so far as relates to the Election of Mayor for the said Town.

Of the Town Council of the Town of London; praying for the passing of an Act to enable them to establish Water and Gas Works in the said Town, and to borrow a certain sum of money for that purpose, and otherwise to carry out the said object.

Of the Municipality of the United Townships of Camden and Zone; praying that the Law regulating the manner of granting Tavern Licenses may be so amended as to place the control of the said Licenses in the several Municipalities of Upper Canada.

Of Samuel Alcorn and others, of the Village of Yorkville and its neighbourhood; praying that the Act incorporating the Consumers' Gas Company of Toronto may be so amended as to enable them to extend their Works to the said Village.

Of the Reverend William T. Leach, D.C.L., Incumbent, and others, Members of St. George's Church, Montreal; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the St. Lawrence Canals.

Ordered, That the Petition of Thomas LePage and others, of the County of Gaspé, be referred to the Select Committee appointed to enquire and report upon the state of the Fisheries carried on in the Gulf of St. Lawrence, and on the

Labrador Coast, by the Inhabitants of this Province.

Ordered, That Mr. Gamble have leave to bring in a Bill to repeal so much of the amended Assessment Act of Canada West, as requires the County Councils to meet on the first day of May in each year to equalize the Assessments, and fixing the third Monday in June instead thereof, for that purpose.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Terrill have leave to bring in a Bill to amend the Lower Canada Judicature Act 12 Vic. cap. 38, and to provide for the service of Circuit Court Writs by Bailiffs.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the 64th, 66th, and 74th Rules of this House be suspended, in so far as regards a Bill to authorize the Mayor and Corporation of the City of Montreal to borrow a certain sum of money, and to erect therewith Water Works for the use of the said City.

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Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to authorize the Mayor and Corporation of the City of Montreal to borrow a certain sum of money, and to erect therewith Water Works for the use of the said City.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. White have leave to bring in a Bill to separate the County of Halton from Wentworth.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.²

Mr. Sicotte, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That Seneca Paige, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Sixteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to authorize the Municipal Council of the Town of Amherstburg to sell the site of the Old Market in that Town, and have agreed to an amendment, which they beg to report for the consideration of Your Honorable House.

Ordered, That the Bill to authorize the Municipal Council of the Town of Amhe[r]stburg to sell the site of the Old Market in that Town, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Wednesday the ninth day of March next.

The Order of the day for the second reading of the Bill to establish the boundary of lots in the West Gore in the Township of Beverley, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

*The Order of the day for the second reading of the Bill to confirm a certain allowance for Road in the Township of Monaghan, and to provide for the compensation of persons suffering loss by the confirmation of such allowance, being read;*³

MR. COM. CR. LANDS ROLPH moved the second reading of the bill to confirm a road allowance in Monaghan.⁴

MR. LANGTON stated that this bill was a very objectionable one,⁵ but he would allow it to go into committee, when he would make his objections.⁶

Motion carried.⁷

(519)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

*The Order of the day for the second reading of the Bill to confirm certain Titles in the Township of Aldborough, and rectify difficulties which have arisen from an erroneous survey, being read;*⁸

MR. COM. CR. LANDS ROLPH ... moved the second reading of a bill to confirm boundaries in the Northern part of Aldborough.⁹

Motion carried.¹⁰

(519)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

*The Order of the day for the second reading of the Bill to amend the Division Court Act of Upper Canada, and to extend the Jurisdiction of the same, being read;*¹¹

MR. AT. GEN. RICHARDS moved the second reading of a bill to amend the Division Court Act of Upper Canada. By this bill, he said, jurisdiction would be given to the Judges of the Division Courts in many matters of which they had not cognizance. It was a matter of dispute, for instance, whether an Innkeeper could be sued in these courts for damage done to property in their houses, although the amount was within the jurisdiction of this court; also the bill had proposed to give further jurisdiction in certain cases of assault and battery. He was very glad to find that much satisfaction was expressed at the working of these courts in Upper Canada, and he was glad to be able [to] say, that the fee fund was in such a state, that it was probable that allowances could be made to Judges to defray their travelling expenses. He did not anticipate any¹² objection to the principle of his bill, although perhaps there might be to some of the details¹³ but he hoped the legal gentlemen on the other side would take the matter up, and that it might be fully discussed, he would name a distant day for its reference to the committee of the whole house¹⁴ so as to allow full time for any objections that might be raised.¹⁵

MR. ROBINSON expressed himself in favor of [the] Bill.¹⁶ [He] was very glad to hear the remarks of the Attorney General, and he could speak with confidence of the general good working of the court. He would be prepared with suggestions from many of the county judges when the bill came before the committee of the whole.¹⁷

MR. GAMBLE said the division courts worked well, and¹⁸ thought the bill might very well take in the collection of notes of hand of £50 value. He also thought that the proceedings should not be made of so complicated a nature, that all the business of one place should not be transacted in one day.¹⁹

MR. BROWN expressed himself in favour of raising the jurisdiction of the division courts; but²⁰ thought there was great danger lest the jurisdiction of these courts should be so extended that they would, from the increased expense that would in that case attend them, cease to be the poor man's court. The extent of their business should not be such that more than one day would be necessary to settle the affairs of any one division.²¹ In making reforms care should be taken not to impair the courts so as to destroy them altogether.²²

Motion carried.²³

(519)

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday the eleventh day of March next.

The Order of the day for the second reading of the Bill to facilitate the performance of the duties of Justices of the Peace out of Sessions in Upper Canada, with respect to persons charged with indictable offences, being read;

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday the fifteenth day of March next.

The Order of the day for the second reading of the Bill to facilitate the performance of the duties of Justices of the Peace out of Sessions in Upper Canada, with respect to summary convictions and orders, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday the fifteenth day of March next.

The Order of the day for the second reading of the Bill to amend the Laws relating to the University of Toronto, by separating its functions as a University from those assigned to it as a College, and by making better provision for the management of the Endowment thereof, and that of Upper Canada College, being read;²⁴

MR. INSP. GEN. HINCKS moved the second reading of the Toronto University bill. He was free to acknowledge that the institution as it is at present constituted had been a failure, and one cause of its failure was he thought the centralization of all the departments at Toronto, because the head and chief seat of all the classical learning was fixed there²⁵. The extent of the country and the necessity of bringing education of the higher class home to each man's door had been forgotten.²⁶ The bill now before the house was mainly intended to rectify that evil by carrying the advantages of the University home to the people in different parts of the Province. The first part of the bill contemplates, without disturbing the present establishment at Toronto, to establish a university on the same principle as the university of London, or the Queen's Colleges in Ireland,²⁷ instructed to grant degrees to persons, if qualified to receive them²⁸ and then eventually to establish colleges all over the Province. It was also intended to continue the present University at Toronto, under the name of the University College without any sectarian bias. He wished to have it understood that this plan was not at all similar to that introduced by the hon. member for the city of Kingston. The difference was that by the bill of that hon. member it was intended to break up the endowment altogether, and divide it among colleges that were denominational or partly so, but the bill that he (Mr. H.) introduced was quite free from any sectarian bias. One of the principal parts of the new bill was to do away with the faculties of medicine and law, whereby a great saving of the endowment would be made. This measure had been determined upon after very long consideration and he thought it would be the best course that could be adopted. (Hear, hear.) He must say that, it was due to the

Right Reverend preiste [sic] in whose hands this endowment was first placed to say that he had²⁹, in the days when he took an interest in the University,³⁰ from the first strenuously opposed to giving the professors of these departments large salaries.³¹ He cited some instances in which low endowments had led to an efficient discharge of duties.³² At McGill College there was scarcely any endowment for the Medical School,³³ and on the establishment of the Queen's Colleges in Ireland, it had been the intention of Sir Robert Peel, by whom they were founded, not to give any salaries for the support of these branches, but by the influence of the medical men and other parties, this was overruled and very small salaries were given, but in no instance did they amount to more than £100 per annum. It was, he thought, a very bad thing to render the professors entirely independent of their practice, and it was found by experience that this was the case³⁴ in Europe³⁵. In all the principal medical schools in the old country, at Edinburgh, at Paris, and at Loyden, the best professors were men in good practice. Moreover, he did not think it right that the school should be endowed at the expense of all the others. In Toronto, there are two medical schools, besides that belonging to the university, and of course, any one that was richly endowed, would have a great advantage over the others. Nor did he think it desirable that the teachers of any of the professions which were of a lucrative nature, should be paid by government, or that the pupils in those professions by which they were to earn their livelihood, should receive their education at the public expense. (Hear, hear.) It had been therefore determined not to continue the endowment hitherto given for the support of the faculties of medicine and law. It had been also determined to take from the professors the management of the endowment fund, and confine them entirely to the discharge of their own proper duties.³⁶ He gave some details of the nature of the proposed government of the college, under the supervision of the government of the country.³⁷ It was evident that there would be a large surplus fund remaining after providing from the University fund for University College, and this it was proposed to give to the establishment of colleges in other parts of the province³⁸ that the people of the Province might have their children educated.³⁹ It had been said that some of the endowment was to be given to the support of sectarian colleges, and this had been made a ground of opposition to the bill. Nothing of the kind was intended, and he was sure that the other colleges that had received Royal charters such as Victoria College at Cobourg, and Queen's College and Regiopolis College, at Kingston, would never have been established, if King's College had not been given exclusively into the hands of members of the Church of England. The great object was to carry education as near to the homes of the people as possible, and he had no doubt but that the provisions of the bill would soon be taken advantage of, and colleges established in all parts of the Province in connection with the University of Toronto, in which they would all have a common interest. He knew that there was now a scheme on foot to establish a college at Hamilton on very broad, liberal and comprehensive principles. It was one of the most difficult questions to know how religious instruction could be given, and there was a large portion of the people who were not content unless they had some means of obtaining it. It would be observed that the bill was framed in such a manner that it would not exclude from consideration those colleges which have been in existence for some time, and this part of the bill had met with the same opposition that was given to the grants hitherto afforded them; but the Government, finding that there will be much opposition to this part of the bill, were not prepared to press it: this would not, however, relieve the Government or the Legislature from the responsibility of the annual grants to these institutions. It would merely free the bill from the incumbrance and leave the matter to be settled hereafter as might be thought most advisable, and the Government would be anxious to meet

all the amendments that might be proposed to the details of the bill, as far as was in their power.⁴⁰ Since the bill had been printed he had tried to get as many opinions as possible, and of course there were some objections to details.⁴¹ With regard to the scholarships that had been established for the different counties, they might either be open to competition among all the colleges founded in connection with the University, or be divided between Upper Canada College and University College.⁴²

MR. CAUCHON, after remarking on the changes which had been already made in this institution, said he could not understand how there should be any surplus. Upper Canada should have one institution as strong for the upper class of learning as any in Europe. In order that this should be so in science, the institution could not have too much, with only £6,000, which seemed to be the sum that was to be wholly devoted to the College at Toronto.⁴³

MR. INSP. GEN. HINCKS stated, he believed £6,000 would be amply sufficient for the University, and that there would be a surplus of £2,000 or £3,000. But he believed there shortly would be a revenue of £11,000.⁴⁴

MR. CAUCHON (in French), expressed himself in favour of one large institution, and did not think that £6,000 a year would be adequate to its maintenance. He believed a large institution with twenty or thirty⁴⁵ professors, the most distinguished men that could be obtained,⁴⁶ each in his own special branch⁴⁷, as they saw in some parts of Europe, was the most to be desired. Such institutions turned out the best men, £6,000 were entirely inadequate to maintain such an institution, and employ the services of first rate men, £20,000 would be more likely, and £40,000 would not be too much.⁴⁸ He would like to see a national institution, with £30,000 or £50,000--a really national institution, which should attract the best talents in the world, and be really useful⁴⁹ in spreading scientific learning--the sphere of which was now-a-days being almost indefinitely extended.⁵⁰ For these reasons he would oppose with all his force the bill before the house.⁵¹

MR. ROBINSON was not surprised to hear the Inspector Genl. say the present institution had not given satisfaction to the country, and admitted that it had not.⁵² [He] gave the Government credit for their candour in acknowledging the failure of their scheme. If the Inspector General found that his University did not answer he was quite right in trying to amend it. For his part, he should not offer any opposition to the second reading of the bill, but if he found anything objectionable he would endeavour to amend it in committee. He hoped that the medical school would not be entirely done away with, although he considered the present salaries too high.⁵³ In reply to the arguments of Mr. Cauchon, as we understood, he stated, that first rate men were now obtained in Toronto. He approved of the principle of division proposed by the bill.⁵⁴

MR. BROWN rose and said: Mr. Speaker, to those who can look back on the political history of King's College--who can recall the contests of 1843, of 1845, of 1846, of 1847, and of 1849, on the floor of this House in regard to this Institution--the bill which is now offered for our adoption by a Reform administration, and the speech we have just heard from the Hon. Inspector General, cannot but be regarded as a signal triumph for the gentlemen opposite.⁵⁵

Cheers from the Conservative side of the House.⁵⁶

MR. BROWN [continued:] The arguments used to-night, by the Inspector General were the very pleas advanced for their measures by Mr. Draper and the hon. member for Kingston in forty-five and forty-seven--and in the objections I am now about to offer to the Bill before us, I will occupy precisely the ground then held by⁵⁷ [the] Inspector General or his friends,⁵⁸ Mr. Baldwin and the Reform party of Upper Canada in opposition to the schemes of the Con-

servatives. Mr. Speaker, there have been two great ideas in regard to high academical education presented to the people of Upper Canada in the last thirty years. One is that a University must be connected with the Church, and under the management of the clergy--that where there is no theological teaching there must be infidelity. The Church of England Bishop of Toronto held this view and claimed for his own church the exclusive profit of the doctrine; Messrs. Draper and Macdonald held the same view with no less firmness--but they were not quite so rapacious in their working of it, and proposed to divide the profits among the sects. The Reform party, led on by Mr. Baldwin, Mr. Price, and the hon. Inspector General, denounced these views as the mere clap-trap of priest craft; they held that there should be one great literary and scientific institution to which all the youth of Canada might resort on equal terms and without offence to this religious sentiments [*sic*]
--they held that national education would only be maintained on a secular basis--and that far from the charge of infidelity attaching to such a system, "while so much difference existed in religious opinions," in the words of the highest authority of the Province "respect for the principles of religion and a dread of interfering with the rights of conscience" prompted to its adoption. Times without number have appeals been made to the people upon the issue presented between these two principles; for many years it was a leading question with the liberal party: to no one principle does the party owe so many of its triumphs as to that of non-sectarian University education. From the foundation of the Institution until 1843, by the management of the Bishop of Toronto, the sectarian principle completely prevailed--it was, in fact, a Church of England College. In that year, however, the Baldwin-Lafontaine Administration introduced a bill to upset the sectarian character of the school and erect it anew as a National University on the principles of the Reform party. Unfortunately the antagonism between Lord Metcalfe and his advisers occurred ere the bill was carried through; a Tory Ministry succeeded, with Mr. Draper as its Premier, and the measure fell to the ground. But so general was the feeling on the subject of the University, so loud the demand for reform, that Mr. Draper--Conservative as he was, and the earnest upholder of the pretensions of the Church of England--was compelled to make an appearance of yielding to popular opinion. In the session of 1845, he brought in a bill to re-model the Institution in the very manner proposed by the bill now submitted to us. The hon. Inspector General tells us that a clamour has been raised against his bill on the ground that it resembles the measure of the member for Kingston; that was a very ingenious use of the hon. gentleman, but he must have known well that it was not the member for Kingston's bill but that of Mr. Draper he was charged with copying from.⁵⁹

MR. INSP. GEN. HINCKS denied that there was any similarity between Mr. Draper's bill and his.⁶⁰

MR. BROWN: Mr. Draper's Bill established a University just as this Bill does--and it divided the funds among the existing chartered Colleges, that might thereafter obtain Royal charters, precisely as is now proposed.⁶¹

MR. INSP. GEN. HINCKS: Mr. Draper's affiliated colleges were to be all sectarian. Our bill provides for a non-Sectarian College at Toronto.⁶²

MR. BROWN: True, the hon. gentleman's bill leaves a skeleton establishment for one Faculty at Toronto--but how long will that continue? If the principle on which he asks us to legislate is good for anything, it goes to the destruction of this with the rest except as a mere local school. He tells us the youth will not come to Toronto for instruction, and that it must be sent to them⁶³.

MR. INSP. GEN. HINCKS.--I only said that would be more convenient.⁶⁴

MR. BROWN [continued:] That Colleges must be erected at Bytown and Brockville and Hamilton--in fact, in every town over the Province--and how long will it be before the endowment of the College at Toronto will be cut down to meet the demands of the rival Seminaries? Once admit the principle that a central, National University cannot be sustained, and the subsidizing of local Institutions is the only practicable scheme, and the process of levelling downwards had no stopping place.⁶⁵ How could little paltry institutions in all parts of the country maintain as high a character as one great national institution? Little colleges might be good for mere schools for youth, but it was a farce to say they would answer the purpose of a national university.⁶⁶ But to return--Mr. Draper's bill was carried through a second reading by his supporters with a pledge from him, however, that it would not be further proceeded with: immediately after that vote, the present member for Simcoe resigned office as Inspector General, because it did injustice to the Church of England. In the Session following (1846), Mr. Draper did not proceed with his bill, but the clamour from the country for University reform still continued, and to appease public opinion, the bill was handed over to Mr. G.B. Hall, the representative of Peterborough, who brought it before Parliament.⁶⁷

MR. H. SMITH of Frontenac said, the bill was not handed over to Mr. Hall--that gentleman took it up on his own responsibility.⁶⁸

MR. BROWN: Well, Mr. Hall was a supporter of Mr. Draper--Mr. Hall's Bill was a copy verbatim of Mr. Draper's Bill--we shall say Mr. Draper did not give it; but Mr. Hall took it. The whole country had been agitated during the recess against the Bill, public meetings had been called by the Reformers, pamphlets issued, and petitions to the Legislature prepared and circulated against it. On the floor of the house it was denounced by the Reform members--the storm was not to be resisted, and on a vote of 40 to 20, it was thrown out. In the session of 1847, Mr. Draper was gone, and Mr. Sherwood was at the helm. The cry for University reform was still unappeased, and the member for Kingston, then Receiver General, undertook to appease it. He brought forward a Bill, which broke up entirely the endowment of the University, gave £7,500 per annum to the four sectarian colleges; £2,500 a-year to the grammar schools; and left the balance, if there were any, for any future sectarian colleges. The indignation produced among the Reform party, by this Bill was warm in the extreme--agitation of any kind was resorted to, to upset it--and so strong were the manifestations that the Government dared not proceed with it. The general election followed soon after--Messrs. Baldwin and Lafontaine came once more into power, and their first care was given to the University. A Bill was introduced in the session of 1849, intended to carry out the desires of the Reform party. After 20 years of labour and agitation, the Liberals of Upper Canada had the satisfaction of believing that an academical education of the highest order was now within the reach of every Canadian--that by their exertions, a noble school of learning was permanently established. And well might they feel proud of their achievement; for surely a more noble monument was never raised to the wisdom and liberality of so young a people! Sir, if Mr. Baldwin had done no more for his country than rescue that magnificent endowment from partition and apply it in the just and wise manner in which he left it, he would have won for himself the lasting gratitude of his countrymen. I envy not the man, who, but a few months after--and that man a colleague of Mr. Baldwin's--and one of the foremost advocates of the Bill of 1849--asks us to reverse all that has been done, to rend asunder the great literary and scientific institution we have erected,⁶⁹ to lay sacrilegious hands upon it,⁷⁰ and to parcel out its endowment among a dozen petty sectarian schools! And why shall we do this?--has any fallacy been discovered in the educational principles advocated

by the Liberal party during so many years?--does the public voice call for the demolition of the Institution?--what is the plea on which the demand for its destruction is made? But one argument for the measure has been advanced by the hon. Inspector General, and it is that he and his colleagues does [sic] not think the experiment has succeeded; they are of opinion that the University has failed to effect the object anticipated from it by the Reform party, and, therefore, it must come down! Mr. Speaker, when men set their minds on any end, they can easily create arguments for it--but one so flimsy and so unfounded as this, I venture to say, was never offered as the ground-work of so ruinous a measure. It is not true that the University, as reformed by Mr. Baldwin has had a trial--it is not true that the educational views of the Reform party have failed of success. The Bill of 1849 provided for the appointment of a Visitation Commission to remodel the educational system, to suggest new professorships and enact rules for the regulation of the institution. That commission was not appointed until the spring of 1850--it hardly made a suggestion until late in 1851--the new curriculum is hardly yet known--the new professorships are not yet filled up; and yet we are gravely told that the new system has been tried and found impracticable! Has the honourable gentleman attempted to support his assertion by any proof?--has he explained to us wherein consists the failure he alleges? Yes, he points to the high salaries which the Medical and Legal Professors have voted to themselves--and he declaims against the extravagance. Sir, I am free to admit that there is justice in the charge--that the emoluments of many of the professors have been placed on a most unjustifiable scale; but is that any reason for upsetting the whole system? Could not the salaries be reduced and the control over them transferred to other hands? But with a very bad grace does such an argument come from such a quarter. Who framed the bill that gave these professors the fixing of their own salaries? Who appointed the senators to have a check over the expenditures? Who, but the Hon. Gentleman and his colleagues? Aye, sir, and who advised⁷¹, a couple of months ago⁷², that the Governor General's assent should be given to the statutes authorizing these very salaries but the Hon. Gentleman himself? It certainly becomes the Inspector General, an active agent in the creation of these extravagances, to come here and ask us to break up the Institution as a remedy for the evil he has himself produced. But, Mr. Speaker, there are other reasons elsewhere advanced for this measure--the Inspector General has not told us the whole case. The following are the words of the Preamble to the Bill:--

"Whereas the enactments hereinafter repealed have failed to effect the end proposed by the Legislature in passing them, inasmuch as no College or Educational Institution hath under them become affiliated to the University to which they relate, and many parents and others are deterred by the expense and other causes, from sending the youth under their charge to be educated in a large City distant, in many cases, from their homes: And whereas from these and other causes many do and will prosecute and complete their studies in other institutions in various parts of this Province, to whom it is just and right to afford facilities for obtaining those scholastic honours and rewards which their diligence and proficiency may deserve, and thereby to encourage them and others to persevere in the pursuit of knowledge and sound learning: And whereas experience hath proved the principles embodied in Her Majesty's Royal Charter to the University of London in England to be well adapted for the attainment of the objects aforesaid, and for removing the difficulties and objections hereinbefore referred to." Be it therefore, &c. The Preamble to the bill presents us with the official argument on which legislation is demanded. But before I proceed to analyze the arguments of the preamble, let me first allude to what once was one of these arguments but is not now. I am assured that in the original draft of this bill (strange and incredible as it

may appear) one of the prominent causes rendering the measure necessary was stated to be the "Godless" character of the system on which the institution is founded⁷³.

MR. INSP. GEN. HINCKS said the Government were only responsible for what appeared now in the bill. If any such message had ever existed, the Hon. member for Kent could only have received it in the strictest confidence, without any liberty to make use of it as he had done.⁷⁴

MR. BROWN: The hon. gentleman is mistaken. The words, I am assured, were used in the draft of the Bill sent by Government, for the approval of the University Council. I received the information under no seal of privacy--the fact is known to many in Toronto. Straws, it is said, show how the wind blows, and I think this incident will be understood by the Reformers of Upper Canada. The first allegation in the preamble is that the Reformed University has been a failure because "no College or Educational Institution hath become affiliated" to it. What, Mr. Speaker, the institution a failure because Queen's, Victoria, and Regiopolis have not thrown up their charters at the first moment! Before even the new course of study was arranged or the new professors appointed! Was it to be expected that with these arrangements made, charters would be surrendered, buildings sold off and professors discharged, within the space of two years? How many interests had to be considered and arranged ere a step of such importance could be taken by the Trustees of these Colleges? No man knows better than the mover of this Bill that no expectation of so early an application was ever entertained, and that if it had, it would have been unreasonable and absurd. But, the preamble goes on to say, "many parents and others are deterred by the expense and other causes from sending the youths under their charge to be educated in a large city, distant in many cases from their homes." It may be true, Sir, that there are many such cases--but in what manner does the Bill before us provide a remedy for them? Does the hon. gentleman imagine that a College can be maintained except in large cities? Does he mean to have a college in every township--nay at every man's door? And if "the expense" deters from sending to Toronto, how will they be better off by sending to Hamilton or Kingston? Will not the expense of living and tuition have to be borne at the one place as at the other? Will the few shillings of extra travelling be any bar on a student who could afford attendance at Hamilton, from attending at Toronto? Sir, there are no doubt, many who would send their sons to the University of Toronto but for the expense; the country is yet in an early stage--wealth is not diffused among the masses--labour is valuable; the day has not yet arrived when our young men can generally afford to lose to the study of science and literature, the profits of several years' labour, besides the cost of attendance at the University. The "expense" has been, in this way, a bar to the present success of the University; but this is an evil only to be overcome by time and the rapid increase of wealth now going on among us--the Bill before us provides no remedy for such a case. I beg it may not be supposed that I argue for Toronto--that I speak under the influence of sectional feeling. Undoubtedly I consider that Toronto is the best and most central point for the National University--but gladly would I consent to its removal to any corner of the Province, to save it from the ruin that impends over it. And there is another plea for the bill. The preamble goes on to state that "from these and other causes, many do and will, prosecute and complete their studies in other Institutions" and it is right to encourage them in the pursuit of knowledge. This plea is to justify the 53rd Clause of the bill which divides the endowment among the Sectarian Colleges. But it is the poor plea of sectarianism which the Reformers of Upper Canada have ever resisted, it was the plea of the Bishop of Toronto, and of Mr. Draper--it is the plea of the Roman Catholics in their

demand for separate Common Schools. Who could have expected such an argument from a Reform Administration? Are we then to forsake our position as secular educationists and recognizing men not as citizens but as religionists, give the public money for the teaching of sectarianism? What though "many do and will" stick to their sectarian notions--is that a new discovery? Was not this the very enemy the Reformers battled with and overcame? But the last plea of the preamble drags in the name of the London University as if the bill before us were precisely on the model of that Institution. Now the fact is that the present arrangements at Toronto, much more closely resemble those of the London University than they would under this bill. In University College, London, all these faculties are united⁷⁵.

MR. INSP. GEN. HINCKS said the University College, London, was a proprietary concern, and had nothing to do with the University.⁷⁶

MR. BROWN: The College is just as much connected with the University in London, as the College at Toronto will be with the other, with this single difference that the one was founded by private funds, the other with public. London University presents no parallel to the scheme now before us. I contend, then, Mr. Speaker, that no case has been shown for breaking up the endowment of the University--that, on the contrary, every argument is in favour of correcting the defects of the system and giving it a fair trial. The funds are in prosperous condition, the endowment is not wasted, the students are increasing, the system is being popularized--why should we demolish the institution? Is there any indication that popular opinion is in favour of this bill? Has one petition in its favour been laid on our table?--has even an inquiry been made into the working of the system as it is? So far as I know public opinion, I can safely say that the Reformers of Upper Canada are utterly opposed to the bill. At a county meeting held lately in the Court house, at Chatham, a unanimous vote was recorded against it, and the council of the United Counties of Stormont, Dundas and Glengary have petitioned against the bill. The hon. gentleman contends that his bill does not destroy the college--that it merely separates the University from the college, abolishes the medical and law departments and distributes the surplus endowment. And why should the Law and Medical Chairs be abolished any more than the others? Is it not as important to the public interest that our doctors should study with the best advantage, as our engineers and mathematicians? Could anything be more desirable than to secure for our country the benefit of a high school of surgery and medicine? And even as to Law--is it of no importance that our lawyers should be well instructed in the high aims of their profession? Mr. Speaker, I do not join in the too common depreciation heaped on the legal profession: rightly directed, there is no more ennobling duty in which the human intellect can be engaged. Is it nothing that the future judges of our country should be thoroughly trained in generous and enlarged views of the principles of law and justice? But we are told these professions should sustain themselves. I admit that they should do so--but that may be done without driving these studies from the institution, and if men of first-rate ability cannot be drawn together without public assistance--is it wise, is it good economy, to refuse all public assistance at the risk of inferior education, or sending our youth abroad--when the whole community are equally interested in the result?⁷⁷ The hon. Inspector General's remarks about not wanting to educate lawyers were mere clap trap. He ought to be ashamed to use such language on the floor of that House. It was better fitted for the backwoods, and he believed even there, in some places, it would be hooted, and the people would say they recognised the importance of a highly educated legal profession.⁷⁸ Take away these branches of study from the institution and you take away the main props of the branch

that will remain. If the students cannot get all their education at the National College, but must go elsewhere for its completion--they will prefer to commence with the seminary at which their studies must terminate. Is it not strange, Mr. Speaker, that we should be so anxious to lop off these branches at the very moment that England is re-uniting them? I have shown that London University College has all three faculties--the Queen's Colleges in Ireland have all three faculties--and the famous Government Commission has just reported in favour of restoring to Oxford University the studies of Law and Medicine. Shall we, to serve a miserable political expediency, go back while others are advancing? And even as regards the Arts--does not this Bill destroy the whole hope of Mr. Baldwin's measure? The Inspector General tells us that £6,000 a year is to support the whole establishment of the University and College at Toronto; and as the endowment will produce about £18,000 per annum, £12,000 a year is to be fittered away among sectarian colleges. Were even the sum allotted to University College to be preserved from the scramble this Bill will produce, is it sufficient to sustain the great design heretofore contemplated by the Reform party? Are we to bid adieu to the hope of drawing to our shores professors of the highest standing in Art as well as in Science--and of gathering round them the talent of our youth, by the generous system of scholarships which the endowment would command? And what shall we gain instead?--a multitude of small sectarian colleges, with chairs clubbed together and filled by inferior men--the youth split up into sects, educated as sectarians, sent abroad with all the prejudices of a narrow education. If we could hardly sustain one worthy Institution, how shall it be when all our talent and all our funds are subdivided over the country? Have we had no experience of the Sectarian system already? I hold in my hand a letter signed by the Rev. Robert McGill, of Montreal, in which it is stated that at Queen's College, Kingston, only six students have graduated in the last nine years--although the Institution received all that time and is still receiving £500 a year of the public money, besides £300 sterling a-year, as I believe, from the Scottish Establishment. And is it not notorious that but few students have graduated from Victoria college, and that the first diploma of that Institution, had four gross errors in its Latin construction--although it too has been annually in the receipt of a large sum from the public chest? I do not mean to disparage these Institutions as good schools--I believe they are excellent Academies, and that Queen's as a Theological Hall, is all it pretends to be--but I do mean to say that such Colleges can be no compensation to the youth of Canada for the loss of the noble school of Science and Art we are about to destroy. The hon. Inspector General tells us that the Government has felt the force of public opinion, and will not insist on the 53rd clause dividing the endowment among the Sectarian Colleges. Sir, there is little credit due the hon. gentleman and his colleagues for the tardy concession: the plan he would fain have carried out is on record--he would have carried it had he dared, and the fact will not be forgotten by the Reformers of Upper Canada. But what does the hon. gentleman substitute in lieu of these grants to the Secestarian [sic] Colleges? Why, he proposes to retain the balance of the endowment in the hands of the Government, and to appropriate it from year to year by Act of Parliament, or by vote of this house! What is this but a stepping stone to a Sectarian division? Do we not now give an annual grant to each of the Sectarian colleges--and will not a permanent endowment from the ruins of the University be the certain substitution? Some opponents of Sectarian education may be deceived by the concession of the Inspector General; for my part, I regard it as worse in principle than a direct endowment. Is it not just to place in the hands of Government a new and most powerful source of corruption--to be held back or extended as suits political convenience, or the subserviency of our churches?⁷⁹

MR. A. WRIGHT: What would you do with the surplus?⁸⁰

MR. BROWN: We know not yet if there will be any surplus, when the school is fully in operation. When it does appear that there is, it will be time enough to appropriate it--but far rather would I see any surplus devoted to the support of the common schools, than give it for the teaching of sectarianism in petty colleges.⁸¹ [He] would establish a high school in Toronto free from sectarianism, where high education should be taught.⁸² Mr. Speaker, I protest against this act of destruction on behalf of the youth of Upper Canada. Look at the difference between the collegiate education of Great Britain and the United States, and take warning by the example. The former with her few great Universities, and her high eminence, in literature, science and art--the latter studded with small academies called colleges, but immeasurably inferior in results.⁸³ He repeated that it would be a national calamity to split up and ... destroy Toronto University for a set of little paltry colleges, and he believed he should not do his duty to his country, unless he protested against it.⁸⁴ We are laying the foundations of a great political and social system; our vote to-day may deeply affect for good or evil the future history of our country:-- I adjure the house to pause ere destroying an institution which may one day be among the chief glories of a great and a wise people!⁸⁵

MR. RIDOUT did not rise to go into the general merits of the question.⁸⁶ [He] did not intend to oppose the second reading of the bill, though he wished some alteration in the details, which he should endeavour to carry when the bill came before the committee of the whole house. This University had given rise to a great deal of agitation, and he feared that as was the case with the Clergy Reserves, the agitation would not cease till the whole endowment had been wrested from its original purpose. He was very sorry that the medical school was to be abolished, and he hoped that part of the bill would not be adopted. It was quite impossible that the professors could keep up their practice and attend to their lectures also, as he had been assured by many of the professors themselves, and he hoped that if this faculty was abolished some provision would be made for the gentlemen who would thereby be deprived of their situations.⁸⁷ After some remarks on salaries he stated that he would give his objections to the bill when it went into committee. He believed the bill would pass by a large majority; but he agreed with the hon. member for Kent, that the present system had not had a trial long enough to test its merits.⁸⁸

MR. COM. CR. LANDS ROLPH⁸⁹ said he had never heard remarks from the hon. member for Kent so difficult to answer as those which had just fallen from him. They seemed strangely desultory, and devoid of any logical arrangement. It seemed as if the speech had lost its, perhaps, original orderly composition by some unexpected concussion, which disconcerted the various elements, and produced a rhetorical chaos. Here and there scattered through the fragmental whole, the word sectarianism was now and then sounded with an animated note; and with it the hon. member always manifested his ire and waked up to a vituperative strain.⁹⁰ The mere mention of sectarianism always aroused that hon. gentleman, and stirred up his little eloquence.⁹¹ And then, finding to his discomfiture no sectarian element in the bill to be proposed, he would relapse into a disconcerted ratiocination irregularly dissatisfied with everything and pleased with nothing. He (Mr. R.) could, therefore, only notice some of the more prominent points, which appeared to be the pillars intended by the hon. member for Kent mainly to sustain the other disjointed materials. The hon. member for Kent had given a sort of history of the University and the measures connected with it. Through this history he (Mr. R.) should not follow him, though it might be amusing, with a full file of the Globe, to trace

the history of the various opinions of the hon. member himself. They had now to deal with things as they now existed; nor should any evils remain unremedied, merely because they arose from alleged legislative versatility and error.⁹² That hon. member contended that the present university had not had a trial sufficiently long. He (Dr. R.) thought differently. He believed a great deal of its revenues had been trifled away by trials. It was enough for the government to know that it did not work satisfactorily; and knowing that, they did not wish to wait, before they applied reform.⁹³ The existing measure, he says, has not been tried enough. The question is, how long? The answer, of course, is, as long as will satisfy the dissatisfied member for Kent. Propositions for the reform of abuses are always thus met; you are too soon, says one to-day; you are too late, says another, to-morrow; you are too slow, says a progressive; you are too fast, says a stay-still. Opponents never admit the arrival of the right time or the right occasion. The country waited and waited under this sort (if such a phrase might be used before this august assembly) of Parliamentary slang, till the late commission issued, only to reveal transcendent abuses and the absolute waste and disappearance of a very large portion of the whole endowment. Are we to wait for another career of wastefulness and abuses? To prevent growing evil is better than to suffer unwarily under its destructive maturity. A few more waitings would extinguish the endowment. But, says the hon. member for Kent, there is no proof of any abuses to demand the measure. Is it no abuse that the institution has failed to answer the great purposes for which it was erected? or even that such is public opinion? Is it no abuse upon the country that, under a heavy University expenditure, the youth, instead of profiting by it, go, as the hon. member for Kent has testified, to British or foreign colleges?⁹⁴

MR. BROWN interrupted; he said they did go not that they now go.⁹⁵

MR. COM. CR. LANDS ROLPH: And what evidence is there that they do not now go? Are we to assume that the few who matriculate and graduate are all the youth of Canada who can or desire to avail themselves of the University?⁹⁶ The youth of the Country did not go there. Parliamentary and other documents showed that the number of students was constantly diminishing.⁹⁷ By comparing the number of pupils with the expenditure the cost to the country for each graduate would be many hundred pounds.--And it is no abuse that the people of Canada are at this rate to pay for the ambition of a few to add to their names an A.M. or an L.L.D., or an A.S.S. (Aolium Societatis Socins. [sic])? If the institution does not draw pupils to it, it is in some way defective. If the benefits are not proportioned to the expense, the expense is an evil; it is an unproductive investment; a public loss. He (Mr. R.) should, however, altogether waive any evidence of the condition of the University or the causes of that condition. But it is remarkable (and a prodigious error too) that the hon. member for Kent is absorbed in the contemplation and admiration of the University on account of its being a solitary mammoth one. In his eyes it is a noble, grand, splendidly endowed institution, existing in its own greatness and sublimity without a competitor. May Canada be saved from such a grandeur and such sublimity! A mammoth college with an undivided endowment would be a scourge to Canada or to any nation. Such centralization may suit despotic powers, but is uncongenial to this free country. The hon. Inspector General was taunted by the member for Kent with a desire to have a college with numerous affiliated ones spread everywhere, that he might through them politically corrupt and govern the people. But far more was to be feared from the hon. member for Kent with his favorite mammoth, all absorbing University acting upon remote and excluded parts: a university from which he would wield a condensed and uncounteracted influence, whether for good or for evil, for liberty or for slavery, for the humanity of letter, or for the fire and faggot

of bigotry. The concentration is at the expense of those parts from which the elements are taken for the centre. This dependence upon one grand source was precarious as to its supply, and doubtful as to its lasting purity. Besides the ocean, welcome our inland lakes. The whole face of the great republic of letters required to be well watered. But so vast are the conceptions of the hon. member for Kent, and so wrapt up is he in the solitary grandeur and aggrandizement of his mammoth university, that he has pleased to speak of all possible kindred ones in more rural parts, "as petty and peddling concerns." If he (Mr. B.) meant comparatively petty in architecture or endowment, he was welcome to his sneer. But if he meant in sound and useful knowledge, the sneer was as ungenerous as untrue. This is a specimen of the insolence inseparable from the scourge of centralization. It is the arrogance of assumed superiority;--it is the literal presumption drawn from the trappings and wealth given by a Legislature, instead of the unostentatious graces of genuine and diffusive knowledge. Notwithstanding the contemptuous expressions directed by him (Mr. B.) against other, perhaps less pretentious, though perhaps not less meritorious colleges, the youth of this country would, by thousands, derive from them advantages abundantly sufficient for their ambition and usefulness in every possible sphere of life. Should he (Mr. B.) succeed in preventing any kindred schools of learning, should he succeed in starving all others for the aggrandizement of his own mammoth; should he maintain undivided the large endowment that no rivals should draw from its funds, or be competitors for its useful appropriation: he (Mr. B.) would destroy all competition in learning, and all hope of rearing among us learned men.⁹⁸ His (Dr. R.'s) ideas and those of the hon. member for Kent were different respecting a great university. He believed the hon. member was all wrong in his estimate of a great university. He seemed to ... think that a large building, high salaries, and a large endowment constituted a great university, notwithstanding that people did not go there. That was the hon. member's idea of a mammoth institution. But truth never could be kept within narrow walls, in one institution. Were the attempt made she would take wings and fly away. He contended that colleges in different parts of the country were much better adapted to promote the cause of education and truth. So far then the hon. member's opposition was inconsistent with the principles which the hon. member professed. He not only would destroy competition by establishing this one mammoth institution to swallow up the rest; but this one was to have all the honours and all the emoluments.⁹⁹ Take an argumentum ad hominem. We will pass a law reciting the vast importance of sound political philosophy to the country, the evils of the petty, paltry, presses in the rural parts, and enacting that the Globe, enthroned in Toronto, shall, under an abundant endowment, be the legalised incorporated fountain head of political philosophy and consistency, richly paid for diffusing its principles and papers, through the agency of steam, and privileged alone to take apprentices as pressmen, compositors, and devils. There is something gigantic in the operation, and sublime in the position. The country papers soon die off as the free Globe spreads from the metropolis with the sanction of authority, and the right of a rich and glorious typographical incorporation! The rat has come, the mice have run away. We may suppose the whole country inundated with the free Globe: the others may live if they can, become extinct if they must. Would political philosophy be thus long safe? Would not the Globe be without the stimulus of a rival, and amidst his wealth, independence, and ease, pass into a lethargic indifference? With the like class of evils should we be visited in his (Mr. B.'s) sole existing, well endowed mammoth university! Other institutions would go down under the unequal contest¹⁰⁰. In such cases the favored monopolists went to sleep, and when they slept of course their pupils went to sleep too. The consequence was that with the absence of competition came the absence of all activity.¹⁰¹

Without competition there is no safety, no energy, no purity.¹⁰² It was not a little astonishing when conservatives were ready to admit of this competition, to see the liberal par excellence the first to rise against it.¹⁰³ This reasoning was strange to him (Mr. B.) because he had evidently very subordinate views about the nature of a college, which he (Mr. B.) seemed to think was composed of bricks and mortar, and architecture, and endowment, and, perhaps the paraphernalia [sic] of gowns and wigs. Mammoth university! Such elements are not now necessary for a seat of learning. Sir John Coborne once related his visit to Leyden, he was shown with politeness all "the lions," and when the rounds were finished he expressed a wish to see the "great university of Leyden." You have seen it, was the answer. Where? was the reply. It was the large lecture-room shown you, was the answer. Was that all? Yes, all. It was, indeed, to the amusement, perhaps of the member for Kent, a mammoth university, almost without bricks and mortar, or pecuniary endowment, or gaudy paraphernalia [sic]. It was built up with the highest order of minds, richly endowed with learning, and with a paraphernalia [sic] of admiring and enquiring students, attracted from rival universities over the world. Such is the character and nature of a genuine university.¹⁰⁴ As to the destruction of the College, far from doing so by this bill, a good college would by it be established on a better footing than now. But then the reply was: well this is a monopoly. Not at all. Other colleges were to be affiliated with this and admitted to similar privileges as soon as they proved their worthiness. Was there no difference between one mammoth institution swallowing up the others, and one institution surrounded by others and competing with them. The hon. member also talked of sectarianism; but where was the greatest chance of sectarianism, from one great institution in the hands of the Inspector General or from one institution surrounded by several others, rivalling and competing with it?¹⁰⁵ Is the member for Kent willing to be consistent? Will he give up the bricks and mortar, and endowment, and paraphernalia [sic], and with a faith equal to his professed confidence in the voluntary principle, trust to the erection of a Canadian university upon an intellectual foundation? Oh, no! The hon. member wages an ardent war against an established church, leaving all others in the lurch. Why, then, does this professed champion of voluntaryism urge an established university, leaving a bare existence for all others? Will this great voluntary be so inconsistent as to compel the youth of Canada, nolens volens, to go to his mammoth university? A queer voluntary, who will admit of no rivals, no competition, no choice!¹⁰⁶ Then coming to the exclusion of law and medicine, which had been denounced by Mr. Brown, he contended that this was the correct principle. The hon. member had appealed to Oxford: yet he found what he called sectarianism in Oxford, and that he did not oppose. Oxford then was not an example, and he would prefer to go to other schools of Great Britain and the United States to ... search for models. Guy's Hospital was a medical school where students were taught by medical men--and the same was true in the medical schools of the United States. Besides, why this outcry about sectarianism in religion, while no fear was entertained of sectarianism in physic?¹⁰⁷ Will the great voluntary allow theology to be taught? Oh, no. Its views are too diversified; and, as his theology cannot be taught, he wishes none to be taught in his mammoth university. But physic he insists should be taught.¹⁰⁸ Why were professors in that science alone to be paid by the State that they might go forth and teach what they pleased. Could not those who have the care of the soul be trusted as well as those who have the care of the body? Or if you object to any authorized instructors why not object to all.¹⁰⁹ Exclude those who take care of the soul, and admit those who take care of the body! He (Mr. R.) would beg to learn from him (Mr. B.) what doctrine of the numerous doctrines of physic, he would be pleased to admit? Oh! It must be physic, but not theol-

ogy, as by law established! Here is voluntaryism on the tongue, that does not reach the heart. If voluntaryism is to be the rule, let us have its full scope in law, physic and divinity. Let the race be to the swift, and the crown to the honest victor. Not only does the member for Kent patronise physic, but law also is to be a mammoth element. Doctors and lawyers are to be educated by the people, that they may afterwards go abroad to make their fortunes out of them. It might be well to add to the list, the gentlemen of the Fourth Estate! The people of Kent and Oxford to whom he (Mr. B.) had made an appeal for their indignation, would turn that indignation in the opposite direction; they would be indignant at being obliged to teach lawyers, doctors and the fourth estate, as pauper scholars at the public expense, at the Mammoth University as a literary Almshouse. The orders of things is to be inverted; pauperism is to be transferred from the humbler to the higher classes of society. The sons of nobility and of gentry are to be needy scholars, sponging on the educational treasury and receiving from the public a fortune in the shape of a profession, while honest men have to buy a farm from the public domain, and out of it by the sweat of their brow, abundantly feed all the learned professions! The plea that free professional education at the Mammoth University would enable the poor to avail themselves of these high positions is more specious than true. It would be easy if sincere, to limit the privilege of a free university professional education to the poor, and at all events the poor could better avail themselves of the privilege at institutions in their own region, than at the Globe's Mammoth one at a distance. He (Mr. B.) appealed to Oxford University in behalf of law. A singular appeal from the leading voluntary of Canada! Oxford proves anything for him; it is blowing hot and cold with the same breath. Everything from which he dissents is wrong, because it is so in Oxford, everything he approves is right, if it is only so or recommended to be so in Oxford. But law is not taught at Oxford at the public expense. The Vinerian Chair in Oxford ... [and] the Downing Chair in Cambridge are private endowments by gentlemen of those names; and when he (Mr. B.) endowed similar chairs out of his private purse at his Mammoth University, the people would be as much astonished as he might be well delighted at thus further immortalizing his name; but he had no right to accomplish his benevolence out of the public treasury, instead of his private fortune. It was in vain for him (Mr. B.) to expect in this country to confine knowledge or the imparting of it to a single institution, however organised or endowed. Truth was a stranger to such artificial boundaries. She was not to be circumscribed by college walls or fettered by acts of Parliament and when he (Mr. B.) thought he had monopolised her presence and her blessings, she would, indignant at the offensive constraint, clap her wings and take her flight, and settle here and there and at every congenial spot. Truth does not so much sit upon a throne as pervade and animate the kingdom. The hon. member for Kent seemed to misapprehend the use and purport of a college teaching the general sciences, and of a college devoted to the special lucrative professions.¹¹⁰ The use of an university was not to make lawyers and doctors; but to prepare men to become such, and both professions would be better, if young men went first to college to learn those elementary principles, which are the best introduction to higher professional pursuits. What would be found to be most regretted by professional men themselves would be not only the want of professional education in "petty schools"; but the want of those preliminary preparations which were to be acquired only in non-professional schools.¹¹¹ The general college is useful to all. It comprehends those studies which prepare the mind for higher ulterior practical pursuits; it trains and disciplines the reflecting powers, and matures the man to grapple with and master those multifarious truths which belong to him in the arduous and practical spheres of professional life. The general college prepares a

man for anything, for everything. It is a school of logic for every department and occupation in life. It lays the solid foundation upon which every professional or other superstructure is to be raised. It is just the foundation, the want of which he (Mr. B.) has in his own case so feelingly lamented, with so little reason. It was strictly professional colleges through which Hunter, Cooper, and a host of others, became ornaments of their profession and benefactors to the world; and could they now be asked what they most needed in their day, it would be, not professional opportunities, but a collegiate preliminary education. The full endowment of such a college, embracing the abstruse and perhaps elegant sciences (though by no means of unquestionable expediency,) may be tolerated or approved, while the professional college cannot take from the public funds in like manner without reproach. Aid may be given, possibly under circumstances required, but free taught doctors, lawyers, divines, or editors, or bankers, or butchers, or bakers, every one must repudiate. The views he (Mr. R.) had expressed were met by the bill before the House. It provided for one college of general, not of professional learning, useful to every man in every sphere. It holds the surplus, after a judicious support to it, for the aid of other non-sectarian colleges, which may, under such an invitation, spring up under a healthy public opinion in populous parts of the country. It is not one mammoth college to the exclusion of others; but one destined to fraternise with kindred and rival institutions diffusing knowledge, and the schools for attaining it, over the face of the country: such colleges he (Mr. B.) might call "paltry and peddling;" but he (Mr. R.) did not wish to see only one class in society of nobles and aristocrats; and he did not wish to see only one mammoth institution, adjusted to the high and lofty picture of a speculative mind. A number of colleges, competing with each other, and appealing to the same university for the award of honors, forms under this bill a system as free from objection, and as suited to our institutions, as can be proposed. Much must depend on the integrity of the Government, of the Parliament, and of the public, in carrying out the system. Before sitting down, he (Mr. R.) would notice the striking contrast between the factious opposition of a professed reformer, and the candid consideration given the measure from the conservative benches thus promising the country, in maturing this measure aloof from party feeling, all that can be accomplished by the combined wisdom of Parliament.¹¹²

MR. LANGTON remarked that the hon. Inspector General had said that the London University is the model that we should follow, and in that he perfectly agreed with him. The hon. member for Kent, however, seems to think that this scheme differs from that of the London University, but he had made a mistake with regard to this subject, for there is not the remotest connection between University College and the London University. In the first instance, a college was established in London by members of the Church of England, and a short time afterwards another college was established on different principles, and then the government interfered and established a University, which they called the London University; and upon this the college that had been established by the Church of England took the name of University College.¹¹³ The first was a body which merely granted degrees, the other was a College quite independent of it, whose teaching had nothing in common whatever with the University. The University as constituted in the Inspector General's bill, differed in this respect from the London University, inasmuch as it established at least one non-sectarian College under the patronage of the State. But there was a great difference between Great Britain and Canada in this respect.¹¹⁴ If in England any one sect wished to establish a college of their own it was easy to find the necessary means, but in this country they are all too poor to do so¹¹⁵ without State assistance¹¹⁶ and the great difficulty that would be found in carrying out this bill would be to know to whom to afford assistance. Money

must be given either to all that asked for it, or else to none, and in the former case he feared that so many small institutions would spring up that the whole endowment would be frittered away without being of any real service. It would, therefore, be necessary to lay down some general principle upon which to make the distribution. This, he thought, would be found the only real difficulty in carrying out the bill, and the hon. member for Kent hoped that the House may not hit upon any feasible scheme, for then this endowment would not be broken up.¹¹⁷ [Mr. Langton] hoped that the present bill would spread Colleges all over Upper Canada. At any rate it was admitted on all hands, except perhaps by the hon. member himself, that the present system was a failure¹¹⁸. The Inspector General had assigned many reasons for the non-success of the University, but he had not hit upon the right one. It was the non-sectarian nature of the college that caused its failure. For his part, he had not that feeling with regard to such an institution that was entertained by some, but he did not wish to force it down upon people who did not like it, and there was a large portion of the people of this country who will not join in supporting a non-sectarian college.¹¹⁹ Schools indeed need not be religious, for the pupils lived with their parents; but students at College were at a distance from their natural guardians and he readily understood how parents should hesitate to send their children to a place where no religious instruction was provided.¹²⁰ It was, he said, a very different thing when a young man goes away from home to college, and when the child leaves home for school only for a small part of the day, and many who did not support religious instruction in the common schools, did so in the case of a University, when the young are taken from the protection of their homes altogether, particularly when most of them go to the University to study for the ministry.¹²¹

MR. BROWN.--Does the hon. Inspector General accept of that explanation.¹²²

MR. INSP. GEN. HINCKS said that he would have an opportunity of replying, when he would answer the hon. member.¹²³

MR. LANGTON continued. The hon. member for Kent will allow of no college that is not purely sectarian, but if what he (Mr. Langton) contended was true, there could be no University, for it was evident that we can not have any college established without some assistance from the State. In England, the London University works with the most perfect harmony--colleges of all denominations being connected with it, even one conducted by Jesuits comes to it to obtain the degrees.¹²⁴ There were Catholics, Protestants and people of [no] religion at all; but they all got on most happily together.¹²⁵ He would not exclude altogether from the University the faculties of Law and Medicine, for educated men should have some knowledge of law, and for them to know something of medicine also would be no harm; but to educate men for professions he did not think the University the proper place.¹²⁶ A man of liberal education could be none the worse for knowing the first principles of both; but to educate young men for these professions as for a business must be followed up by establishing professions and degrees of commerce or shoemaking.¹²⁷ Medical schools should depend upon their own character for success, and whenever a Medical school obtains a high reputation, there will the students flock.¹²⁸ These were the remarks he had to make on the principles of the bill; but he wished to make some on the details.¹²⁹ He thought the whole principle of scholarships bad. In Oxford, scholarships were established in the first place for particular counties, sometimes they could only be held by the residents of a particular parish--and one of the first things attacked in the reform now going on at Oxford, were these close scholarships as they are called.¹³⁰ It was found in England that to limit them to localities as was done by the municipal bill, was to deprive them of all their honourable distinctions, as it left no room for selection of the most meritorious.¹³¹ There was no honour

attached to the obtaining of these scholarships, they were merely advantageous to the holder on account of the emoluments attached to them. If scholarships were to be really worth having, they should be open to people from all parts of the world. The main difficulty he repeated, and the only one of any importance in carrying out this bill, was to decide to what colleges assistance should be given.¹³² He thought ... that the Colleges, which were to receive assistance, should not be arbitrarily selected; but should have the advantage as a matter of right on their complying with certain conditions.¹³³ A grant renewed from year to year would be applied merely for electioneering purposes--some fixed principle should be adopted so that this assistance should be a matter of right and not of favour.¹³⁴

MR. GAMBLE taunted the Ministry with the now admitted fact, that King's College, with all the legislation which had taken place through the instrumentality of their party was a failure.¹³⁵ Has it come to this, he said, that after all the agitation that we have had all that has been said, all that has been written on the subject, we are now to behold this as the termination of the non-sectarian college. For one thing he would allow credit to the Government, and that was for the candour with which they confess that, after all this tinkering, the University has become a failure. The Inspector General said that it had failed because it was situated at Toronto, but he should have carried his candour a little farther and said that it was its godless character that had caused its failure. While he admits that it is a failure, he should admit that no university, based upon the same principle can succeed. The hon. member for Norfolk says that it had not succeeded because it had not met with public support; but the true reason is because it is of a non-sectarian character, and naturally so, for he (Mr. Gamble) never knew a man yet, let his own opinion be what it might, who did not, nevertheless desire that his children should be brought up religiously. There was a great difference between common school education, where the child is continually under the eye of a parent, and a university education, where a young man is thrust out into the world without any control; and for this reason people will not let their children go to a non-sectarian college. He (Mr. G.) was glad to find that the Inspector General admitted that, after all his changes, the university was still wanting in something. When he looked back to all that had occurred--how, in the first instance the magnificent endowment and the charter for its management were obtained, and what a noble prospect there was for its future success, and that now it has come to such a state of things--that the only remedy was its being broken up entirely, he could not contemplate it without a pang. He (Mr. G.) had looked forward to the time when we should have had the means of obtaining education equal to any in the world; but when he (Mr. G.) found that the present state of affairs was the result of all that had been done, he did not see that, under present circumstances, any other remedy presented itself. This bill is said to be formed on the model of the London University: but when the Inspector General proposes to point out how the other colleges are to affiliate with them, he drops the main principle. In the London University all sorts of colleges are allowed to affiliate with it, and some of the Scotch colleges--Marischall's college, for instance--where very strong tests are imposed on the student, and which are expressly mentioned in the charter.¹³⁶

MR. INSP. GEN. HINCKS said that any with the closest tests might affiliate with it, although no aid would be given to them.¹³⁷

MR. GAMBLE said that aid was given to them to the amount of £7,600, and he read the various items from the estimates of the Imperial Parliament. It seemed that there would be as little hope of success for the University now

proposed as ever. As University College was now to be constituted, it would be much the same as the present one. He thought, however, that the University itself might be of some service, in case the other colleges would affiliate with it; but if they did not, it would be perfectly useless.¹³⁸ He relied for success only upon the hope that the other existing Colleges would be allowed to be affiliated ... without condition. As to law and physic, he agreed with the Inspector General. He thought they ought to instruct themselves, and also that they were far too much over-crowded at present.¹³⁹ He thought there was much danger in making the expense of entering either of these professions too cheap, because if that were the case many persons would enter them who were much better qualified for inferior pursuits. There was, he found, a general idea among mechanics and tradespeople who had by their own exertions acquired wealth, to educate all their children for one of the learned professions, instead of following their own business which the education they had acquired would render respectable. The youth in this country could not afford to stay a long time at a University. In most cases it was necessary for them to enter upon the means of obtaining their own livelihood at a very early age, and therefore, the high class of education for which the member for Kent had contended, was not much needed, however desirable it might be to have the means of obtaining it. He concluded by declaring his intention of voting for the second reading of the bill.¹⁴⁰

MR. MORRISON said, that as he was the only person in the House who had had any connection with the University, it would be proper for him to say a few words on the subject. He had been a strong advocate of the bill brought in by Mr. Baldwin, although he did not approve of many of its provisions, thinking they were far too cumbersome and complicated ever to be properly carried out.¹⁴¹ [He] had always been afraid of the failure of the views of the hon. Mr. Baldwin¹⁴². One of the great evils of the present institution had always been, that the very men who were appointed to carry out its principles were those who had always prophesied that they would never work, and he thought that if they had been replaced by men who would properly take up the spirit of the plan on which the institution was established, it might have succeeded. He thought the principles of the present bill were the same as those of the former one, only that the University was to be separated from the College and that we were to have a University College in which all the usual branches of learning and science were to be taught, and a University to confer degrees, and he thought that by this means the standard of education would be raised. Mr. Baldwin had been of opinion that all the paraphernalia of the English Universities were required in this country, and this might have succeeded had he had men to carry it out, but no sooner was the bill in active operation than every step was taken to oppose its efficient working, and a year elapsed before even a meeting of the Board could be held, and then every obstacle was put in the way of carrying out of the bill.¹⁴³ As soon as ever the Senate and the Caput began to work the law, the trouble began: they demanded legal opinions on every petty point, so that expenses were constantly heaped on expenses; and no efforts were made to interest the public in favour of the Ministry.¹⁴⁴ He had no pity whatever for the professors who might suffer by this bill, for he had told them over and over again, that if they persisted in the course they adopted the institution would have again to be brought before the public.¹⁴⁵ He denied that non-sectarianism had been the cause of failure: that failure was to be found in the fact that no proper efforts were adopted to make the law work.¹⁴⁶ It had failed because all the professors who had been in the former University had been retained, nine-tenths of them being of the Church of England, and on that ground, and especially because the Professor of Divinity was retained, many people would not send

their children to it. It was true that the number of students had increased, but he did not look at the number that were there, but at the number that ought to be there.¹⁴⁷ There was no affiliation, because nothing had been done to encourage affiliation. Mr. Morrison continued to urge that the endowment to be retained for University College would be ample to pay high salaries to professors, while a large sum would still be left to distribute through the country.¹⁴⁸ Much had been said about the disposal of the surplus fund, but it would be very absurd to have an endowment of £20,000 a-year for an institution which only required £8,000 and why should not that surplus be made use of for the support of other colleges. With regard to Trinity College, many persons who were supporters of it were of opinion that the endowment would be found too much, and that it would be impossible for it to continue long in existence, although in consequence of the excitement created among the members of the Church of England by the changes in the Toronto University very liberal subscriptions had been made. It was impossible that any college could exist without some aid from the Government. He had had a correspondence with some gentlemen in Hamilton who were planning the establishment of a college there on purely unsectarian principles, that their children might be instructed without having to send them away from home to Toronto, and he was satisfied that the majority of the people of this country would be found in favour of this bill because they did not like to be compelled to send their children to Toronto.¹⁴⁹ He thought ... the present plan must be an improvement, and if the vote of the people was taken a large majority would be found not only in favour of this; but even in favour of dividing the whole endowment among grammar schools--though he confessed the intelligence of the country would be against the latter measure.¹⁵⁰ It was said that the endowment was to be broken up, but that was not the case, because it would be used for a University College, which would remain much the same as the present college, except that the medical school would not be any longer in connection with it.¹⁵¹

MR. BADGLEY said that he believed that all the good that had been done to the University was owing [to] the exertion of the professors.¹⁵² [He] admitted the sectarian character of the present bill; but held that it could not be otherwise. The fund was given for educational purposes, and as education could not be had except in religious establishments, it necessarily became religious.¹⁵³ The Government were bound to sectarian principles because they could not prevent the sectarian colleges from taking a share of the endowment. The present University had become a dead letter and the Government were quite right in taking up the matter. The hon. gentleman made some further remarks relating, we believe to the legal profession, but they were inaudible in the reporters' gallery.¹⁵⁴ He shortly defended the professors, as we understood, from the imputation of Mr. Morrison.¹⁵⁵

MR. DIXON while objecting to some details of the bill was glad to support it on account of the general good feeling manifested in it. He conceived the present measure calculated [sic] to do a great deal of good¹⁵⁶ to the country¹⁵⁷; but he would have preferred that the surplus revenue of Kings College should be applied¹⁵⁸ to the support of grammar schools.¹⁵⁹

MR. INSP. GEN. HINCKS did not think that he should be reproached for the introduction of this measure or with having changed his mind upon the subject.¹⁶⁰ He had not changed his mind on this subject and if he had done so he thought he would not have been liable to reproach for doing so.¹⁶¹ The bill of Mr. Baldwin was framed with the idea and with a strong hope that it would be the means of uniting the whole people of Upper Canada in favour of the University, and that all the colleges would affiliate with it.¹⁶² His hon. friend had entertained a stronger hope than he (Mr. Hincks) of succeeding in this, and eventually of

putting down the other chartered colleges or rather of affiliating them to the one large institution; but in England and Ireland, while Universities had been established within a few years, on the most comprehensive footing, in neither of those countries had it been attempted to put down the sectarian college. In the same way it was intended here to make the University not a college but a mere examining body like the University of London. He believed all were agreed on the propriety of the steps.¹⁶³ He (Mr. Hincks) had never thought it desirable that there should be only one University in Upper Canada, and that those colleges which have charters should be put down, and there had been no desire shown on their part to place themselves in connection with the University. During the course of the debate, we had, he said, been assailed with having carried the failure of the existing plan, but we might very well retort upon those who did cause its failure. The member for South York laid down the doctrine that the failure was owing to its nonsectarian character and he believed that there were a great many persons who would not choose to send their children to a nonsectarian institution¹⁶⁴. No doubt many persons did prefer to send their children to non-sectarian schools: but when the hon. member for South York said that people would not send their children to such Colleges, he supposed the hon. member spoke for his own church, and that being so he referred the hon. member to Ireland, where the ministers of the Church of England were all warm supporters of the Queen's College. In fact, whatever might be said of godless Colleges, he fearlessly assented that¹⁶⁵ far more care was taken to provide for the religious teaching of the pupils¹⁶⁶ in those Colleges, by the system of Deans of Residence, than in Oxford or Cambridge.¹⁶⁷ And although there is, as is very well known, a college in Dublin of the very highest character, yet the advantages of a home education are such that many persons prefer sending their sons to these colleges although they are nonsectarian to sending them away to Dublin.¹⁶⁸ It was however, a fact that the leading persons of several religious societies would not avail themselves of this institution.¹⁶⁹ He denied the accusation so constantly made against Toronto University that it was a godless institution, for every provision was made to afford to all denominations the means of affording religious instruction to the youth of their denomination. If the doctrine be correct that no unsectarian institution can succeed, it would not in the slightest degree be an argument to interfere with the course now being taken, although it might be an argument in favor of such a measure as that of the hon. member for Kingston. It would be entirely impossible to prevent a large number of colleges from springing up because there are so many persons who insist on having religious instruction for their children. He could not understand however, what was the difference between the religious instruction given at Victoria College and that given by the Methodists at their own expense at the University at Toronto. By the 53rd clause of this bill, assistance would be given to any college that complied with the provisions of the law, not for the purpose of advocating sectarianism.¹⁷⁰ He could not see any difference between giving religious instruction at Toronto, and doing the same thing at Kingston. At present religious instruction was given at Kings College at the expense of the different Churches--then why not let them do the same at Regiopolis or Queen's College?¹⁷¹ Mr. Hincks went on to relate an anecdote strongly illustrative of the advantages of a home education. In the part of Ireland that he came from in the province of Ulster, it had been the custom to send all the young men intended for the Presbyterian ministry to be educated in Scotland, at the University of Glasgow--but at last, the advantages of a home education presented themselves so strongly that an institution was established, which at length attained such a high character, with an endowment of only £1500 per annum, that its certificates were considered quite equal in point of attainment to the degree of M.A. in the Scottish Universities¹⁷². The Belfast College ...

had educated all the Presbyterian ministers of the North of Ireland and some of the most eminent men in the country including Mr. Napier, Attorney General under Lord Derby.¹⁷³ He (Mr. H.) was as strongly in favor of common school education and the establishment of grammar schools as any one, but he did not think that it would be advisable that this endowment should be devoted to that purpose.¹⁷⁴ He concluded by expressing his gratification at the general support the measure had received and assuring hon. members, especially Mr. Langton, that every attention would be given to their suggestions.¹⁷⁵

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The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Rolph, and the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Cameron, Chabot, Chapais, Christie of GASPE, Christie of WENTWORTH, Crawford, Dixon, Dumoulin, Fortier, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Johnson, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Marchildon, Mattice, McDougall, Mongenais, Morin, Morrison, Murney, Patrick, Polette, Poulin, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Sicotte, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Street, Stuart, Terrill, Turcotte, Valois, Varin, Viger, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(58.)

NAYS.

Messieurs Brown, and Cauchon.--(2.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

The Order of the day for the House again in Committee of Supply, being read;

Ordered, That the Message of His Excellency the Governor General transmitting to this House the Estimates of the sums required for the service of the year 1852, together with the said Estimates, be referred to the said Committee.

The House then resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Christie of Wentworth reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

Ordered, That the remaining Orders of the day be postponed until Monday next.

*Then, on motion of Mr. Langton, seconded by Mr. Malloch,
The House adjourned until Monday next.*

APPENDIX: 25 FEBRUARY 1853.

[NOTICE OF MOTION RE: BILL TO INCREASE JURISDICTION OF COMMISSIONERS' COURT.]

MR. FOURNIER.--Lundi prochain--Donne avis qu'il demandera la permission d'introduire un bill pour augmenter la juridiction de la cour des commissaires, jusqu'au montant de dix louis courant [sic], dans certains cas.¹⁷⁶

[NOTICE OF MOTION RE: BILL FOR CONSTRUCTION OF BRIDGE ACROSS ST. LAWRENCE AT MONTREAL.]

MR. CARTIER.--Lundi prochain--Donne avis qu'il demandera la permission d'introduire un bill, pour pourvoir à la construction d'un pont pour les chemins de fer, sur le fleuve Saint-Laurent, dans ou après les environs de la cité de Montréal, qui sera ouvert à l'usage de toutes compagnies dont les chemins de fer aboutissent à la dite cité ou la traversent.¹⁷⁷

[NOTICE OF MOTION RE: BILL TO FACILITATE CHURCH BUILDING CONSTRUCTION.]

DR. FORTIER.--Lundi prochain--Donne avis qu'il demandera qu'il lui soit permis d'introduire un bill ou acte pour faciliter les bâtisses d'églises, sacristies, presbytères, etc., dans certains cas.¹⁷⁸

[NOTICE OF MOTION RE: BILL TO AMEND ACT FOR MEDICAL TREATMENT OF SAILORS.]

MR. DUBORD.--Lundi prochain--Donne avis qu'il demandera la permission de présenter un bill pour exempter certains vaisseaux du droit imposé par l'acte qui pourvoit au traitement médical des marins malades.¹⁷⁹

[NOTICE OF MOTION RE: THREE RIVERS CATHEDRAL BILL.]

MR. POLETTE.--Mardi prochain--Donne avis qu'il demandera permission d'introduire un bill pour confirmer une délibération des habitants catholiques de la paroisse de l'Immaculée Conception de la Ste. Vierge des Trois-Rivières, relativement aux biens de leur fabrique, pour faire et prélever une cotisation sur les dits habitants, et pour d'autres fins y mentionnées.¹⁸⁰

[NOTICE OF MOTION RE: BILL TO EXTEND PROVISIONS OF REGISTRY ACT.]

MR. BADGLEY [gave notice that] on Wednesday next [he would introduce a] Bill to extend the provisions of the 35th section of the Ordinance 4 Victoria, cap. 30, (Registry Act) to certain cases therein mentioned, and for other purposes.¹⁸¹

[NOTICE OF ADDRESS RE: POLICE FORCE ON QUEBEC-RICHMOND RAIL LINE.]

MR. BADGLEY.--Lundi prochain--Donne avis qu'il proposera une adresse à Son Excellence, demandant copie de toute la correspondance entre le gouvernement provincial ou aucun département d'icelui et la compagnie du chemin de fer de Québec et Richmond, ou des directeurs de cette compagnie au sujet d'établir et retirer une force de police sur la ligne du dit chemin de fer, et de toutes les pétitions au gouvernement à l'égard de la dite force, avec un état du nombre des prisonniers arrêtés par la dite force, et la cause de telle arrestation.¹⁸²

[NOTICE OF ADDRESS RE: CORRESPONDENCE RE SAILOR REGISTRATION ACT.]

MR. DUBORD.--Lundi prochain--Donne avis qu'il proposera une adresse à Son Excellence le gouverneur général demandant qu'il plaise à Son Excellence de bien vouloir faire mettre devant cette chambre, copie de toute correspondance qui aura pu être échangée entre l'exécutif de cette province ou entre l'un ou l'autre, avec aucune personne ou personnes au sujet de l'acte de l'enregistrement des matelots.¹⁸³

[QUESTION AND ANSWER RE: INDEMNIFICATION OF LEGISLATIVE COUNCIL MEMBERS.]¹⁸⁴

MR. H. SMITH [asked a question]¹⁸⁵.

MR. PRES. EX. COUN. CAMERON said there had been a communication from the government to members of the Legislative Council, proposing to indemnify them for their attendance at that Honorable House, and that government would be prepared to lay a copy of such communication before the House.¹⁸⁶

FOOTNOTES: 25 FEBRUARY 1853.

1. GLOBE, 8 March 1853, noted that "only eleven members are now absent."
2. A commentary on the first reading of this bill appeared in the HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1853.
3. The following papers reported the exchange on this matter in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, and BRITISH COLONIST, 8 March 1853. It was also reported by GLOBE, 8 March 1853.
4. MORNING CHRONICLE, 28 February 1853.
5. GLOBE, 8 March 1853.
6. MORNING CHRONICLE, 28 February 1853.
7. IBID.
8. The following papers noted the motion for the second reading of this bill in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, and BRITISH COLONIST, 8 March 1853. The motion was also noted by GLOBE, 8 March 1853.
9. GLOBE, 8 March 1853.
10. IBID.
11. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, HAMILTON SPECTATOR DAILY, 7, 9 March 1853, BRITISH COLONIST, 8 March 1853, BRITISH WHIG, 8 March 1853, HAMILTON SPECTATOR WEEKLY, 10 March 1853, and NORTH AMERICAN SEMI-WEEKLY, 11 March 1853. The debate was also reported by GLOBE, 8 March 1853.
12. GLOBE, 8 March 1853.
13. MORNING CHRONICLE, 28 February 1853.
14. GLOBE, 8 March 1853.
15. MORNING CHRONICLE, 28 February 1853.
16. IBID.
17. GLOBE, 8 March 1853.
18. MORNING CHRONICLE, 28 February 1853.
19. GLOBE, 8 March 1853.
20. MORNING CHRONICLE, 28 February 1853.
21. GLOBE, 8 March 1853.
22. MORNING CHRONICLE, 28 February 1853.
23. GLOBE, 8 March 1853.
24. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, HAMILTON SPECTATOR DAILY, 7 March 1853 (which copied from MONTREAL HERALD of unknown date), BRITISH COLONIST, 8 March 1853, BRITISH WHIG, 8 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 9 March 1853 (which copied from MONTREAL HERALD of unknown date), HAMILTON SPECTATOR WEEKLY, 10 March 1853 (which copied from MONTREAL HERALD of unknown date), and NORTH AMERICAN WEEKLY, 17 March 1853; BRITISH WHIG, 26 February 1853, GLOBE, 26 February 1853, HAMILTON SPECTATOR DAILY, 26 February 1853, PILOT, 26 February 1853, and MONTREAL GAZETTE, 28 February 1853. The following papers, in partially identical accounts, reported only Dr. Rolph's speech in the debate, likely as prepared for publication by Dr. Rolph himself: PILOT, 5 March 1853, HAMILTON SPECTATOR DAILY, 8 March 1853 (which copied QUEBEC GAZETTE of unknown date), and HAMILTON SPECTATOR SEMI-WEEKLY, 9 March 1853 (which copied QUEBEC GAZETTE of unknown date, in a separate account). The following papers, in accounts otherwise identical to the MORNING CHRONICLE, 28 February 1853 report, substituted Dr. Rolph's speech as reported

in PILOT, 5 March 1853, for the version in MORNING CHRONICLE, 28 February 1853: NORTH AMERICAN SEMI-WEEKLY, 11 March 1853, and EXAMINER, 9 March 1853. The debate was also reported by GLOBE, 8, 10 March 1853. Commentaries appeared in: NORTH AMERICAN WEEKLY, 10 March 1853; JOURNAL DE QUEBEC, 26 February 1853; and LA MINERVE, 4 March 1853.

25. GLOBE, 8 March 1853.
26. IBID., 26 February 1853.
27. IBID., 8 March 1853.
28. IBID., 26 February 1853.
29. IBID., 8 March 1853.
30. MORNING CHRONICLE, 28 February 1853.
31. GLOBE, 8 March 1853.
32. MORNING CHRONICLE, 28 February 1853.
33. GLOBE, 26 February 1853.
34. IBID., 8 March 1853.
35. IBID., 26 February 1853.
36. IBID., 8 March 1853.
37. MORNING CHRONICLE, 28 February 1853.
38. GLOBE, 8 March 1853.
39. IBID., 26 February 1853.
40. IBID., 8 March 1853.
41. MORNING CHRONICLE, 28 February 1853.
42. GLOBE, 8 March 1853.
43. IBID., 26 February 1853.
44. MORNING CHRONICLE, 28 February 1853.
45. MORNING CHRONICLE, 28 February 1853. HAMILTON SPECTATOR DAILY, 26 February 1853, adds, "or 50."
46. MORNING CHRONICLE, 28 February 1853.
47. GLOBE, 26 February 1853.
48. MORNING CHRONICLE, 28 February 1853.
49. GLOBE, 26 February 1853.
50. HAMILTON SPECTATOR DAILY, '26 February 1853.
51. MORNING CHRONICLE, 28 February 1853.
52. IBID.
53. GLOBE, 8 March 1853.
54. MORNING CHRONICLE, 28 February 1853.
55. GLOBE, 8 March 1853.
56. IBID.
57. IBID.
58. MORNING CHRONICLE, 28 February 1853.
59. GLOBE, 8 March 1853.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. MORNING CHRONICLE, 28 February 1853.
65. GLOBE, 8 March 1853.
66. MORNING CHRONICLE, 28 February 1853.
67. GLOBE, 8 March 1853.
68. IBID.
69. IBID.
70. MORNING CHRONICLE, 28 February 1853.
71. GLOBE, 8 March 1853.
72. MORNING CHRONICLE, 28 February 1853.
73. GLOBE, 8 March 1853.

74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. MORNING CHRONICLE, 28 February 1853.
79. GLOBE, 8 March 1853.
80. IBID.
81. IBID.
82. MORNING CHRONICLE, 28 February 1853.
83. GLOBE, 8 March 1853.
84. MORNING CHRONICLE, 28 February 1853.
85. GLOBE, 8 March 1853.
86. MORNING CHRONICLE, 28 February 1853.
87. GLOBE, 10 March 1853.
88. MORNING CHRONICLE, 28 February 1853.
89. HAMILTON SPECTATOR DAILY, 8 March 1853, commented as follows on the text on which this reconstruction of Dr. Rolph's speech is based:
 "The Reporters in the House of Assembly agree in stating that Dr. Rolph was inaudible in the Reporter's Gallery during the early part of his remarks on the University Bill; the Quebec Gazette, however, contains a full report of the speech, which was probably furnished by the hon. gentleman himself, as he has heretofore been in the habit of reporting his own speeches for the Government organ."
90. PILOT, 5 March 1853.
91. MORNING CHRONICLE, 28 February 1853.
92. PILOT, 5 March 1853.
93. MORNING CHRONICLE, 28 February 1853.
94. PILOT, 5 March 1853.
95. IBID.
96. IBID.
97. MORNING CHRONICLE, 28 February 1853.
98. PILOT, 5 March 1853.
99. MORNING CHRONICLE, 28 February 1853.
100. PILOT, 5 March 1853.
101. MORNING CHRONICLE, 28 February 1853.
102. PILOT, 5 March 1853.
103. MORNING CHRONICLE, 28 February 1853.
104. PILOT, 5 March 1853.
105. MORNING CHRONICLE, 28 February 1853.
106. PILOT, 5 March 1853.
107. MORNING CHRONICLE, 28 February 1853.
108. PILOT, 5 March 1853.
109. MORNING CHRONICLE, 28 February 1853.
110. PILOT, 5 March 1853.
111. MORNING CHRONICLE, 28 February 1853.
112. PILOT, 5 March 1853.
113. GLOBE, 10 March 1853.
114. MORNING CHRONICLE, 28 February 1853.
115. GLOBE, 10 March 1853.
116. MORNING CHRONICLE, 28 February 1853.
117. GLOBE, 10 March 1853.
118. MORNING CHRONICLE, 28 February 1853.
119. GLOBE, 10 March 1853.
120. MORNING CHRONICLE, 28 February 1853.
121. GLOBE, 10 March 1853.
122. IBID.

123. IBID.
124. IBID.
125. MORNING CHRONICLE, 28 February 1853.
126. GLOBE, 10 March 1853.
127. MORNING CHRONICLE, 28 February 1853.
128. GLOBE, 10 March 1853.
129. MORNING CHRONICLE, 28 February 1853.
130. GLOBE, 10 March 1853.
131. MORNING CHRONICLE, 28 February 1853.
132. GLOBE, 10 March 1853.
133. MORNING CHRONICLE, 28 February 1853.
134. GLOBE, 10 March 1853.
135. MORNING CHRONICLE, 28 February 1853.
136. GLOBE, 10 March 1853.
137. IBID.
138. IBID.
139. MORNING CHRONICLE, 28 February 1853.
140. GLOBE, 10 March 1853.
141. IBID.
142. MORNING CHRONICLE, 28 February 1853.
143. GLOBE, 10 March 1853.
144. MORNING CHRONICLE, 28 February 1853.
145. GLOBE, 10 March 1853.
146. MORNING CHRONICLE, 28 February 1853.
147. GLOBE, 10 March 1853.
148. MORNING CHRONICLE, 28 February 1853.
149. GLOBE, 10 March 1853.
150. MORNING CHRONICLE, 28 February 1853.
151. GLOBE, 10 March 1853.
152. IBID.
153. MORNING CHRONICLE, 28 February 1853.
154. GLOBE, 10 March 1853.
155. MORNING CHRONICLE, 28 February 1853.
156. IBID.
157. GLOBE, 10 March 1853.
158. MORNING CHRONICLE, 28 February 1853.
159. GLOBE, 10 March 1853.
160. IBID.
161. MORNING CHRONICLE, 28 February 1853.
162. GLOBE, 10 March 1853.
163. MORNING CHRONICLE, 28 February 1853.
164. GLOBE, 10 March 1853.
165. MORNING CHRONICLE, 28 February 1853.
166. GLOBE, 10 March 1853.
167. MORNING CHRONICLE, 28 February 1853.
168. GLOBE, 10 March 1853.
169. MORNING CHRONICLE, 28 February 1853.
170. GLOBE, 10 March 1853.
171. MORNING CHRONICLE, 28 February 1853.
172. GLOBE, 10 March 1853.
173. MORNING CHRONICLE, 28 February 1853. GLOBE, 10 March 1853, had it that "among others who were brought up there was Mr. Whitesides, late Attorney General for Ireland, under Lord Derby." Whitesides was Solicitor General for Ireland in Lord Derby's first administration, and does not seem to have attended the Belfast Academic Institution.
174. GLOBE, 10 March 1853.

175. MORNING CHRONICLE, 28 February 1853.
176. JOURNAL DE QUEBEC, 1 March 1853.
177. IBID.
178. IBID.
179. IBID.
180. IBID.
181. GLOBE, 10 March 1853, which erroneously reported that this Notice of Motion was given on 28 February 1853. The Bill referred to was given first and second reading on that day.
182. JOURNAL DE QUEBEC, 1 March 1853.
183. IBID.
184. The following papers reported this Question and Answer in identical accounts: MORNING CHRONICLE, 28 February 1853, MONTREAL GAZETTE, 2 March 1853, PILOT, 3 March 1853, and BRITISH COLONIST, 8 March 1853. The following papers reported the matter in partially identical accounts: BRITISH WHIG, 26 February 1853, GLOBE, 26 February 1853, HAMILTON SPECTATOR DAILY, 26 February 1853, PILOT, 26 February 1853, and MONTREAL GAZETTE, 28 February 1853.
185. HAMILTON SPECTATOR DAILY, 26 February 1853.
186. IBID.

MONDAY, 28 FEBRUARY 1853.

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THE Serjeant-at-Arms attending this House, informed the House, that he had taken Seneca Paige, Esquire, into his custody.

Whereupon Mr. Sicotte acquainted the House, that he was desired by Mr. Paige to state, That he was from the fourteenth day of February instant, until the twenty-fifth day of the same month, confined to his home by severe indisposition, and was in consequence during that period utterly incapable of leaving home to attend the sittings of this House, and that he left on the said twenty-fifth instant for the purpose of resuming his seat in this House; and the same having been verified upon Oath by Mr. Paige;

Ordered, That Seneca Paige, Esquire, be discharged out of custody.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Badgley,--The Petition of A.M. Delisle, Esquire, and others, of the City of Montreal.

By Mr. Polette,--The Petition of J. Trudel and others, of the Parish of Ste. Geneviève de Batiscan, County of Champlain.

By Mr. Lacoste,--The Petition of the Reverend J. Morin and others, of the Parish of St. Jacques, County of Huntingdon; the Petition of Joseph Marceau and others, of the Parish of St. Luc, County of Chambly; the Petition of J. Bissonnette, Esquire, and others, of the Parish of St. Valentin; the Petition of the Reverend R. Robert and others, of the Parish of Ste. Marguerite de Blairfindie, County of Chambly; and the Petition of P.P. Demaray, Esquire, Mayor, and others, of the Town of St. John, County of Chambly.

By Mr. Laurin,--The Petition of Joseph Laurin, Esquire, and others, of that part of the Parish of L'Ancienne Lorette which lies within the County of Quebec.

By Mr. Willson,--Three Petitions of the Municipal Council of the United Counties of Middlesex and Elgin; the Petition of the Municipality of the Township of Dunwich; and the Petition of the Municipality of the Village of St. Thomas.

By Mr. Chapais,--The Petition of the Corporation of the College of Ste. Anne de la Pocatière.

By Mr. Stevenson,--The Petition of Charles McFall and others, of the Township of Hillier, County of Prince Edward.

By Mr. Dubord,--The Petition of John Ryan, of the City of Quebec.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Mayor and Town Council of the Town of Brantford; praying for the incorporation of a Company to construct a Railway from some point in the Township of Malden on Lake Erie or the River Detroit, to pass through the Village of St. Thomas and the said Town of Brantford, to the Junction of the Great Western Railway with its Galt Branch.

Of the Grand Division of the Sons of Temperance of Canada West; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating Liquors within this Province.

Of the Reverend Henry Lancashire and others, of Russeltown and other places, in the County of Beauharnois; praying for the repeal of the present License Law, and the enactment of a Law similar to the Maine Liquor Law.

Of the Municipal Council of the County of Terrebonne; praying for the passing of an Act to incorporate a Company for the construction of a Railway from Quebec to Montreal on the North Shore of the River St. Lawrence, and that the said

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Municipal Council may be authorized to take Stock therein, and to issue Debentures in that behalf.

Of the Quebec Bank; praying for the passing of an Act to increase the Capital Stock and to facilitate the transfer of Shares in the said Bank, in certain cases.

Of Richard Ross and others, journeymen Bakers, residing in the City of Quebec; praying that in any Bill introduced for promoting the better observance of the Sabbath, a clause may be included to prohibit Sunday Baking.

Of Wilder Pierce and others, Directors of the Stanstead Seminary; praying the usual annual aid in behalf thereof.

Of the Municipal Council of the County of Vaudreuil; praying that the existing Municipal System of Lower Canada may not be superseded by that of Parish Municipalities.

Of George M. Bradford, of the Township of Chatham; representing the claims of himself and others to certain Lots in the 5th range of the said Township which are now unjustly in the possession of other parties, and praying for an investigation in the premises.

Of the Municipal Council of the County of Two Mountains; praying for the passing of an Act to authorize the said Council to issue Debentures and subscribe for Stock in the St. Lawrence and Ottawa Grand Junction Railway, to the amount of £100,000.

Of William Workman, Esquire, and others, of the City of Montreal; praying for the incorporation of a Company to construct a Railway from the said City, by the North East of the Mountain, to the Town of Bytown.

Of the Mayor and Corporation of the City of Montreal; praying for certain amendments to the Act 14 & 15 Vic. cap. 128, incorporating the said City.

Of George J. Ryerse, Esquire, of the Township of Woodhouse, County of Norfolk, and others, heirs and devisees of Samuel Ryerse, late of the said Township, Esquire; praying for the passing of an Act to enable them to make perfect Titles to the Lands devised unto them as such heirs and devisees as aforesaid.

Of Frederick Fick and others, of the Townships of Walsingham and Houghton, County of Norfolk; praying for the opening of a Channel to connect the River Rowan, called "Big Creek," with the waters of Lake Erie.

Of Patrick McGuire and others, of Ashfield and other Townships in the United Counties of Huron and Bruce; praying for aid to open a Road through the said Township of Ashfield.

Of the Provisional Municipal Council of the County of Elgin; praying that the Municipal Corporations Act may be so amended as to authorize Township Councillors to vote themselves pay, to a certain amount, for travelling and personal expenses.

On motion of Mr. Cartier, seconded by Mr. Varin,

Ordered, That the Select Committee on the Toronto Election Petition have leave to adjourn until Wednesday the twenty-third day of March next, to enable the Counsel for the Sitting Member to procure evidence for his defence from Toronto.

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Seventeenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to enable the Inhabitants of the Parish of St. François du Lac better to regulate the Common of St. François, and have agreed to certain amendments thereto, which they beg leave to report for the consideration of Your Honorable House.

Mr. Sicotte, from the Select Committee appointed to try and determine the

County of Megantic, informed the House, That Seneca Paige, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, on Saturday last, and this day.

On motion of Mr. Street, seconded by Mr. McDougall,

Ordered, That the Select Committee on the Prince Edward Election Petition have leave to adjourn till the fourteenth day of March next, to enable the Petitioners' Counsel to procure the attendance of certain Witnesses whom he considers necessary in the prosecution of the case.

Ordered, That the Bill to divide the Common of Maskinongé among the Co-proprietors thereof, be read the third time on Wednesday next.

Resolved, That a Select Committee of seven Members, composed of Mr. Tessier, Mr. Lemieux, Mr. Solicitor General Chauveau, Mr. Laurin, Mr. Cauchon, Mr. Dubord, and Mr. Stuart, be appointed to enquire into the manner in which the Ordinance 4 Vic. cap. 17, intituled, "An Ordinance to provide for the improvement of certain Roads in the neighbourhood of and leading to the City of Quebec, and to raise a fund for that purpose," and the Acts amending the above mentioned Ordinance, have been carried out.

Ordered, That the several Petitions on the subject of Roads in the neighbourhood of and leading to the City of Quebec, be referred to the said Committee.

Ordered, That Mr. Sicotte have leave to bring in a Bill to amend the Ordinance passed in the second year of Her Majesty's Reign, intituled, "An Ordinance concerning the erection of Parishes and the building of Churches, Parsonage Houses, and Church Yards."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. Ridout, seconded by Mr. Wright of the West Riding of York,

Ordered, That the Clerk of this House do take steps to obtain a Statement of all Mechanics' Institutes, Agricultural Societies, Boards of Trade, Universities, Colleges, and other Literary or Scientific Institutions established in Lower and Upper Canada, as well as of all County, Town, and City Municipalities; and when he has obtained the said information, to furnish the same to this House.

Ordered, That Mr. Langton have leave to bring in a Bill to extend the provisions of the Railway Companies Union Act to Companies whose Railways intersect the main Trunk Line, or touch places which the said Line touches.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next, and be then the first Order of the day.

Ordered, That Mr. Christie of Gaspé have leave to bring in a Bill supplementary to an Act of this Session, detaching for Judicial purposes the Settlements of Sainte Anne des Monts and Cap Chat from the District of Gaspé, and annexing the same to the District of Kamouraska.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the tenth day of March next.

On motion of Mr. Clapham, seconded by Mr. Dixon,

Resolved, That an humble Address be presented to His Excellency the Governor

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General, praying him to direct the proper Officer to lay before this House, copies of all Correspondence between the Trinity Board and the Executive respecting an Ice Bridge at Quebec.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

The Honorable Mr. Badgley moved, seconded by Mr. Gamble, and the Question being put, That the 64th, 66th, and 74th Rules of this House be suspended as regards a Bill to increase the Capital of the Montreal Manufacturing Company, and for other purposes; the House divided:¹

This motion was opposed by MESSRS.² SMITH of Trenton [sic], ... [H.] SMITH, of Frontenac³, BROWN and HARTMAN as giving a dangerous precedent for suspending rules intended for the prosecution of the public, and giving exclusive privileges to a particular company, and was negatived upon a division⁴--very few standing up for it.⁵

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--And it passed in the Negative.

Ordered, That Mr. Cartier have leave to bring in a Bill to provide for the construction of a general Railway Bridge over the River St. Lawrence, at or in the vicinity of the City of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Fortier have leave to bring [in] a Bill to facilitate the building of Churches in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the fourteenth day of March next.

Ordered, That Mr. Dubord have leave to bring in a Bill to exempt certain Vessels from the Duty imposed by the Act to provide for the Medical treatment of Sick Mariners.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Dubord, seconded by the Honorable Mr. Robinson,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, copies of any Correspondence which may have taken place between the Government of this Province and the Imperial Government, or between either of them and any person or persons, on the subject of the Seamen's shipping Act.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to extend the provisions of the thirty-fifth Section of the Ord[i]nance 4 Vic. cap. 30, to certain cases therein mentioned, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Ordered, That the Bill be now read a second time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read a second time; and referred to the Select Committee to which was referred the Bill to amend and explain the Ordinance concerning the registration of hypothecs in Lower Canada.

On motion of Mr. Stuart, seconded by Mr. Dubord,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before

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this House, a List of all applications for grants of the Beach of the River St. Charles, and of all grants or leases which may have been made thereof.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to regulate the inspection of Pot and Pearl Ashes.

MR. H. SMITH (Frontenac) asked to have some explanation of this bill, and also whether the Government intended to introduce any more measures this session.⁶

MR. INSP. GEN. HINCKS said that the object of the bill was simply to make some amendments in the existing law. He was free to admit that the bill was not brought forward as a Government measure; it had been sent to him by certain parties interested in the trade, and he thought that it would be generally approved of. It was to be referred to a select committee. He was very far from saying that there would be no other measures brought forward by Government. If the session had continued in the fall, other measures would have been brought forward. He did not think, however, that there would be any great addition to the bill, now before the House.⁷

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He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the eighth day of March next.

Ordered, That the Bill to enable the Inhabitants of the Parish of St. François du Lac better to regulate the Common of St. François, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Wednesday next.

The Order of the day for the second reading of the Bill to incorporate the Sisters of Charity at Quebec, being read;⁸

MR. COM. PUB. WORKS CHABOT moved the incorporation of the Sisters of Charity of Quebec.⁹

MR. BROWN said this was the old story over again. He need not repeat the general objections; but he would say that it was most extraordinary that this bill should be introduced at a time when the colleague of the hon. member was bringing in a general bill for the incorporation of charitable societies. This bill contained all the objectionable clauses of such measures. The sisters were to be allowed to hold landed property to the extent of £2000 per annum, and there was no clause obliging them to account.¹⁰ It was no use to take up the time of the House with discussing the matter, but he should oppose the bill, and call for the yeas and nays.¹¹

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The Honorable Mr. Chabot moved, seconded by Mr. Tessier, and the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Cauchon, Chabot, Clapham, Crawford, Dixon, Dubord, Fortier, Fournier, Gouin, Hincks, Jobin, Johnson, Lacoste, LaTerrière, Laurin, Lemieux, McDonald of CORNWALL, Marchildon, Mattice, McDougall, Mongenais, Morin, Morrison, Polette, Poulin, Ridout, Robinson, Seymour, Shaw, Sicotte, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Street, Taché, Tessier, Valois, Varin,

Viger, Willson, Wright of West Riding of YORK, and Young.--(42.)

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Messieurs Brown, Christie of WENTWORTH, Gamble, Hartman, Malloch, Patrick, Rose, Sanborn, White, and Wright of East Riding of YORK.--(10.)

So it was resolved in the Affirmative.

On the motion for the reference to committee,¹² MR. INSP. GEN. HINCKS said that if the hon. member for Kent had been able to understand the remarks of the hon. Commissioner of Public Works, he would have seen that there was [*sic*] good reasons for introducing this bill at the present time¹³ even though a general law of incorporation were in existence.¹⁴ The facts were these--a Society had existed for a great number of years in the city of Quebec, called the Sisters of Charity of Quebec, and another society under a similar name, had also existed for a long time without any act of incorporation, and as it was desirable for the purpose of carrying out the objects of these societies to transfer part of the property of the one to the other it was necessary that the unincorporated society should obtain a charter.¹⁵ Under these circumstances there seemed no objection whatever to grant permission then.¹⁶

The reference was carried.¹⁷

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The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to provide for the more speedy Distribution of the Statutes, being read;

Ordered, That the Bill be read a second time on Monday the fourteenth day of March next.

The Order of the day for the second reading of the Bill to abolish the Rectories, being read;

Ordered, That the Bill be read a second time on Wednesday next.

The Order of the day for the House in Committee on the Bill to confer Equity Jurisdiction upon the several County Courts in Upper Canada, and for other purposes therein mentioned, being read;

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Ordered, That the said Order of the day be postponed until Friday next.

The Order of the day for the second reading of the Bill to make better provision for the collection of Claims against the Owners of Vessels, being read;

Ordered, That the Bill be read a second time on Wednesday the ninth day of March next.

The Order of the day for the second reading of the Bill to incorporate the Ecclesiastical Society of St. Michel, being read;

Ordered, That the Bill be read a second time on Monday the fourteenth day of March next.

The Order of the day for the second reading of the Bill to repeal the Act 13 & 14 Vic. cap. 23, and to make further provision for protesting Foreign Bills of Exchange in Upper Canada, being read;¹⁸

MR. DIXON moved the second reading of the bill to regulate the protesting of Foreign Bills of Exchange, C.W.¹⁹

MR. AT. GEN. RICHARDS asked what was the principle of this bill? If it were intended to prevent parties protesting bills, he thought the house should

reject it. He thought the country generally was satisfied with the present system, the advantage of which was that the dishonour of the bill was proved in court by the protest, and that much cheaper than it could be done by mere notice of dishonour, which would have to be proved by a witness.²⁰

MR. DIXON said that the present system gave the attorney of the bank who protested these notes a knowledge with respect to the concerns of his neighbours, which he thought very dangerous. To prevent this he proposed in committee, to allow any bank, holding bills which were dishonoured, to put its seal to the bill so dishonoured, which seal should then be proof instead of the present protest. He read a letter from a notary in London, C.W., complaining of the present system.²¹

MR. H. SMITH believed this bill, which was drawn with every possible care, had never yet been complained of except²² by ... notaries who complained of the lowness of the fees.²³ Formerly the party who gave notice of the dishonour of a bill, had to be brought in order to prove the notice though he lived 1000 miles off. Now the notarial protest was accepted as evidence, and saved all this expense.²⁴

MR. STEVENSON desired the bill to be carried so far as it applied to notes of hand payable in the neighbourhood, where they were known.²⁵

MR. CARTIER opposed the bill on behalf of business men. One object of the protest was to let endorsers know whether their notes were paid or not.²⁶

[The] motion was opposed by ... MR. RIDOUT and others on the ground that the present bill worked well and gave general satisfaction²⁷.

MR. DIXON withdrew his motion²⁸ with the intention of substituting another measure in its place.²⁹

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Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

The Order of the day for the second reading of the Bill to remove certain doubts as to the Law for the trial of Controverted Elections, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Stuart, Mr. Dubord, the Honorable Mr. Chabot, Mr. Cauchon, and Mr. Clapham, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the House in Committee on the Bill to modify the Usury Laws, being read;

On motion of MR. BROWN,³⁰

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Ordered, That the said Order of the day be postponed until Monday next, and be then the first Order of the day.

The Order of the day for the second reading of the Bill to extend to Upper Canada the provisions of the two Acts therein mentioned for facilitating the performance of certain duties of Justices of the Peace out of Session, being read;

Ordered, That the said Order be discharged.

The Order of the day for the second reading of the Bill to explain and remove doubts as to the construction of the Act authorizing Parties to sue and defend Causes in formâ pauperis before the Courts of Law in Lower Canada, being read;

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to amend the Act to regulate the Election of Members to represent the People of this Province in the Legislative Assembly, being read;³¹

MR. LAURIN moved the second reading of the bill to amend the election act. The hon. member explained that his object was to prevent the disorders caused at elections by whiskey being distributed to the electors by the candidates. The present law prohibited any person from giving treats during an election except at their own houses; Tavern-keepers took advantage of that exception to give liquors, as they said in their own houses. His intention was to prevent the abuse he complained of.³²

MR. PROV. SEC. MORIN thought the law would be going altogether to[o] far, to prevent a man from giving a glass of wine to a friend coming from another parish. He also objected to the preamble of the bill which stated that the treating of electors at elections led to murders. If this were so, it had not been proved in such way as to make it proper to state it as a fact in the preamble of an act of Parliament.³³

MR. CAUCHON also opposed the bill³⁴.

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Mr. Laurin moved, seconded by Mr. LeBlanc, and the Question being put, That the Bill be now read a second time; the House divided:--And it passed in the Negative.

Ordered, That the said Order be discharged.

The Order of the day for the second reading of the Bill for the better securing to Occupiers compensation for ameliorations made by them upon Lands in certain cases, being read;

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Mr. Sanborn moved, seconded by Mr. Terrill, and the Question being proposed, That the Bill be now read a second time;³⁵

MR. SANBORN moved the second reading of the Bill for better securing to occupiers compensation for ameliorations made by them upon lands in certain cases. He stated that in the townships of Lower Canada to which the bill more particularly referred, there were large tracts of land that had been granted to private individuals many years ago, and it was impossible on the early settlement of the townships to ascertain in whom the titles were vested. Many of the early settlers had gone upon these lands,³⁶ which they supposed would some day be in the market so that they might buy them³⁷, hoping before long to find out who the owners were, and had made large clearings and improved the property very much; some of the best farms being settled in this way, the occupiers having no title to them. It was manifestly unjust that they should be ejected from these lands without a fair compensation for the improvements they had effected.³⁸ At present they had the right to receive the value of the betterments; but against [*sic*] this was not the rents, issues and profits, so that if £5000 of ameliorations have been made, the rents and profits at £25 a year frequently swallowed up the whole, and thus derogating entirely from the spirit of the law. Instead of the present mode of estimating these rents, issues and profits,³⁹ the way that he thought would be the most equitable in arranging these claims, and which it was the object of the bill he had introduced

to carry out, was to take the difference between the estimated value of the lands at the present time in a state of nature⁴⁰ adding ... such revenues as would have occurred to the proprietor, while the land remained in a state of nature⁴¹, and their actual value after the improvements that had been made upon them, allowing such difference as a compensation.⁴² Then the bill proposed to give the occupier a lien upon the land till he was paid the betterments; it allowed the proprietor to offer the land to occupiers for the price of the ameliorations, in case they refused to do which they might be dispossessed without any payment at all.⁴³

MR. PROV. SEC. MORIN said that he was sorry to be compelled to oppose this bill, as it was a very popular one, and also because there were, he knew, very great hardships in some of the cases complained of⁴⁴ and he wished them avoided by a better system of land granting⁴⁵, but he considered the bill as at variance with the whole principles of equity and justice, and its effect would be contrary to all established laws of the rights of property, by assuming that possession of the land gave a right to it. It interfered with the law of prescription, for the effect of it would be to give a title to the land after five years occupation, instead of thirty, as is now required.⁴⁶ There were various ways of getting titles to property by prescription, but where an occupier had no title whatever the prescription must be very long....He could not admit that these squatters possessed any legal right. In some cases too, there were purchasers of the properties, which had been squatted upon, and their rights ought to be respected at least as much as those of squatters, who, whatever good they might do as actual settlers had certainly no bona fide claim.⁴⁷ It was allowed that the present courts of law admitted a right to compensation, and if so the proper course would be to bring in a bill to regulate the mode of giving compensation instead of endeavouring, as this did, to establish a false principle.⁴⁸

MR. TURCOTTE contended that the measure now proposed was one which was founded on the greatest equity and justice, and which was only rendered necessary by the fact that the government of the country had not done its duty.⁴⁹

MR. J. SMITH (Durham) could not vote for this measure. He thought if the use of the property was valued and set against the ameliorations that was all justice required, and that to go farther would be to invade the rights of property.⁵⁰

DR. FORTIER condtended [sic] that the land which was now held by large proprietors ought to have been reannexed to the Crown Domain if it were not settled within a reasonable time. That was what had been done in Nova Scotia and elsewhere. Here on the contrary the proprietors had held their lands and so kept the youth of the country from settling upon them, while others were increasing their value. Where settlement did take place upon wild lands without titles, it was generally because the proprietors could not be found. Was it fair then, after those lands had been rendered valuable by the labour of others, that these proprietors should obtain all the advantage of that labour? Was it ever known that men could in any other way obtain other men's labour without paying for it?⁵¹

MR. INSP. GEN. HINCKS looked upon this bill as a mere attempt to confiscate the properties of certain individuals. If there were persons who had received grants from the Crown on conditions, the fulfilment of these conditions would be compelled; but he would not say that any one should be allowed to squat upon another's land and get possession of it, in that way. He was in favour of taxing wild lands and so compelling them to pay their fair share of the public burdens. There were, no doubt, cases of hardship owing to persons settling

carelessly upon lands which did not belong to them; but was that a reason why the Legislature should step in and allow the proprietors to be deprived of their property? People talked of large proprietors; but there were also small proprietors. He had himself held wild lands for twenty years, and was ready at any time to sell it for what he gave for it, without being ever able to do so. Well, after paying taxes during all this time, was he to be told that any body who chose might come along and take that land from him? The fact was that there was no necessity for settling on these lands at all, for their [sic] had always been plenty of Crown Lands to settle upon. It was the glory of the United States that their State Legislatures could not confiscate property, and he did hope that this measure of confiscation would not be adopted here.⁵²

MR. SANBORN in reply contended that his bill contained no more than the rules of natural right. If a man took a piece of canvas worth a few shillings and painted a picture on it worth £10, the owner of the canvas certainly could not claim the picture, merely because the canvas was his. This was just the same case. The land was nothing: the labour gave it sole value, and he could not understand the sympathy felt for the proprietor who had done nothing for the country, while no sympathy was shown for the man, who had gone through all the toils of a labourer's life in the forest, in order to improve the country. Besides he contended that the bill did not in fact go beyond the principles of the existing law. That law admitted the right of the settler to his ameliorations; but practically neutralized that right by setting against it, the issue and profits. Again it was said tax the land. It seemed to him that this might be a more real confiscation than his own plan which did not go in principle beyond the present law. Even at present prescription was allowed, and why should not the time be shortened? If thirty years possession gave a man a claim, it showed that possession was supposed to establish a claim.⁵³

MR. DUMOULIN (in French) contended that a man ought not to be protected in taking possession of property that he knew did not belong to him. That would be socialism of the worst kind.⁵⁴

MR. MARCHILDON (in French) was in favour of protecting the poor man who had gone in the woods, and made improvements.⁵⁵

MR. STUART during the greatest part of his remarks was inaudible. He opposed the bill.⁵⁶ [He] said, that the present law of Lower Canada, was quite sufficient to enable all parties entitled to compensation to obtain it.⁵⁷ [It] was exceedingly just in cases of this kind; and he did not think it required any ameliation [sic].⁵⁸ The bill now before the House would operate just as strongly against poor men as in their favour, for it might compel the poor man to give large compensation to a man who had acquired wealth already at his expense.⁵⁹

A long discussion, carried on principally in French, [followed]⁶⁰.

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The Honorable Mr. Hincks moved in amendment to the Question, seconded by the Honorable Mr. Morin, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. BADGLEY thought the first clause of the bill had not been understood. He made some remarks on the present law, and stated that he did not believe the first clause of the bill was uncalled for, but as the whole case stood, he could not support the bill. He thought it would be better that the hon. member should withdraw the bill, and bring the matter forward in another form, so as to do justice to all parties.⁶¹

MR. TURCOTTE (in French) supported the bill. He contended that its pro-

visions were just, and that such persons as were contemplated in the bill had the right to protection. The rights of property were spoken of, but they were not more sacred than the rights of society.⁶²

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brown, Burnham, Cameron, Cartier, Cauchon, Chabot, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dubord, Dumoulin, Gamble, Hartman, Hincks, Langton, LaTerrière, Laurin, McDonald of CORNWALL, Malloch, Mattice, McDougall, Morin, Morrison, Murney, Polette, Attorney General Richards, Ridout, Robinson, Rolph, Seymour, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Street, Stuart, Varin, Viger, White, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(43.)

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Messieurs Chapais, Fortier, Fournier, Jobin, Lacoste, LeBlanc, Lemieux, Marchildon, Mongenais, Poulin, Sanborn, Taché, Terrill, Turcotte, Valois, and Willson.--(16.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

The Order of the day for the second reading of the Bill to repeal the Act for regulating the shipping of Seamen, and for other purposes therein mentioned, being read;

Ordered, That the Bill be read a second time on Monday the seventh day of March next.

The Order of the day for the second reading of the Bill to increase the Terms of the Circuit Court in the St. John's Circuit, in the District of Montreal, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to amend the Law of Patents for Inventions, being read;

Ordered, That the Bill be read a second time on Monday the fourteenth day of March next.

The Order of the day for the second reading of the Bill to provide for the recovery of the rates and taxes intended to be imposed by certain By-Laws of the late District Councils in Upper Canada, being read;

Ordered, That the Bill be read a second time on Wednesday the ninth day of March next.

The Order of the day for the second reading of the Bill to further amend the Act for regulating the shipping of Seamen at the Port of Quebec, being read;

Ordered, That the Bill be read a second time on Friday next.

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The Order of the day for the second reading of the Bill to define and establish the Division Line between Upper and Lower Canada, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the House in Committee on the Bill to vest the Harbour of Port Hope and adjacent premises in Commissioners, being read;

Ordered, That the said Order of the day be postponed until Wednesday next.

The Order of the day for the second reading of the Bill to amend and consolidate the several Acts for the construction of Plank and other Roads by Joint Stock Companies in Upper Canada, being read;

Ordered, That the Bill be read a second time on Wednesday next.

The Order of the day for the House in Committee on the Bill to amend the Law relative to the practice of Physic, Surgery and Midwifery in Lower Canada, being read;

Ordered, That the said Order of the day be postponed until Wednesday next.

The Order of the day for the House again in Committee on the Bill to extend the Elective Franchise, and better to define the Qualifications of Voters in certain Electoral Divisions by providing a system for the registration of Voters, being read;

Ordered, That the said Order of the day be postponed until To-morrow.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Seminary of St. Hyacinthe d'Yamaska, in so far as regards the persons composing the said Corporation, and to declare what persons shall compose and constitute the same, being read;⁶³

MR. SICOTTE [moved the second reading of] the bill⁶⁴.

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The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee;

All the clauses were adopted with some slight amendments.⁶⁵

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Smith of Frontenac reported, That the Committee had gone through the Bill, and made amendments thereunto.

MR. SICOTTE moved the immediate reception of the report of the committee.⁶⁶

MR. BROWN had objection to the first clause of the bill. It spoke of the Bishoprick of St. Hyacinthe, which he had not heard mentioned before and did not think should be recognized by a side wind. He merely wanted to draw the attention of the gentlemen on the treasury benches to that fact.⁶⁷

MR. CARTIER said the hon. member did not understand the matter. He appeared not to know that when the diocese of Quebec and Montreal was divided, power was given to the Bishop of Montreal to erect the Bishoprick of St. Hyacinthe when he considered it expedient.⁶⁸

Some further conversation [followed]⁶⁹.

Motion carried⁷⁰.

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Ordered, That the Report be now received.

Mr. Smith of Frontenac reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Thursday next.

The Order of the day for the second reading of the Bill to amend the Act amending the Acts and Ordinances incorporating the City of Montreal, being read;

Ordered, That the Bill be read a second time on Wednesday the ninth day of March next.

MR. LANGTON⁷¹ ... [moved] the House ... into committee of the whole ... on the bill to vest certain road allowances in Little Lake County [sic] Company.⁷²

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The House, according to Order, resolved itself into a Committee on the Bill to vest in the Little Lake Cemetery Company certain allowances for Road in the Park Lots of the Town of Peterborough;

All the clauses of the bill were adopted⁷³.

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Morrison reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time on Wednesday next.

The Order of the day for the House in Committee on the Bill to incorporate the Carouge Pier, Wharf, and Dock Company, being read;

Ordered, That the said Order of the day be postponed until Wednesday next.

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The Order of the day for the second reading of the Bill to amend an Act passed in the Session of the Provincial Parliament held in the fourth and fifth years of Her Majesty's Reign, intituled, "An Act to regulate the taking of Securities in all Offices in respect of which Security ought to be given, and for avoiding the grant of all such Offices in the event of such Security not being given within a time limited after the grant of such Office," and for other purposes, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to incorporate the St. Roch's Reading Room, being read;

MR. STUART moved the second reading of the bill to incorporate St. Roch's Reading Room.⁷⁴

(529)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to alter and amend certain provisions relating to the Court of Queen's Bench for Lower Canada, being read;

MR. STUART moved the second reading of the bill⁷⁵.

(529)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Stuart, the Honorable Mr. Attorney General Drummond, the Honorable Mr. Badgley, Mr. Cartier, and Mr. Sicotte, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to provide for the more equal distribution of business in the Superior Courts of Common Law in Upper Canada, and for other purposes therein mentioned, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to amend the "Act to regulate the exercise of certain rights of Lessors and Lessees," in Lower Canada, being read;

MR. LEMIEUX moved the second reading of the bill⁷⁶.

(529)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Lemieux, Mr. Polette, Mr. Sicotte, Mr. Stuart, and the Honorable Mr. Badgley, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to explain and amend the "Act to allow Notaries to call Meetings of relations and friends in certain cases, without being thereto specially authorized by a Judge," and for other purposes, being read;⁷⁷

DR. POULIN moved the second reading of the bill⁷⁸.

Motion carried⁷⁹.

(529)

The Bill was accordingly read a second time.

Bill read at length.⁸⁰

(529)

Ordered, That the Bill be read the third time on Monday next.

The Order of the day for the second reading of the Bill to make more ample provision for the incorporation of the Town of St. Hyacinthe, and to extend its limits, being read;

On motion of MR. SICOTTE,⁸¹

(529)

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to enable the Directors of the Grand River Navigation Company to place the said Navigation under the control and management of the Provincial Government under certain conditions, being read;⁸²

MR. INSP. GEN. HINCKS said the bill was of great importance for persons in that section of the country; and, that it was very loosely drawn up. He suggested that it be read a second time pro forma, and referred to a special committee.⁸³

(529)

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Christie of Wentworth,⁸⁴ the Honorable Mr. Hincks, the Honorable Mr. Robinson, Mr. Street, and Mr. White, to report thereon with all convenient speed; with power to send for persons, papers, and records.

(530)

The Order of the day for the House in Committee on the Bill to explain the Act, intituled, "An Act to authorize Francois Verrault, Esquire, to build a Toll Bridge over the River Etchemin, in the Parish of St. Henry, near the Church in the said Parish, in the County of Dorchester," being read;

Ordered, That the said Order of the day be postponed until Monday next.

The Order of the day for the second reading of the Bill to amend the Act 14 & 15 Vic. cap. 4, intituled, "An Act to amend the Act concerning Land Surveyors," being read;

Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to provide for

the final adjustment of Boundaries, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to amend the Law for the sale and settlement of the Public Lands, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill for the better management of the Lunatic Asylum, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to amend the Law for the better protection of Crown Timber, and for the collection of the Dues thereon, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to amend the Law with respect to the solemnization and registration of Matrimony, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to amend the Law relating to Grammar Schools in Upper Canada, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to repeal the Act 14 & 15 Vic. cap. 28, and to transfer the place for holding the meetings of the Municipal Council of the Municipality Number two, of the County of Drummond, from the Village of Stanfold to the Village of St. Christophe d'Arthabaska, in the same Municipality, being read;

On motion of MR. MCDUGALL,⁸⁵

(530)

The Bill was accordingly read a second time.

Ordered, That the Bill be read the third time on Wednesday next.

The Order of the day for the second reading of the Bill to protect Justices of the Peace in Upper Canada from vexatious actions, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to repeal part of the Acts 12 Vic. cap. 78, and 14 & 15 Vic. cap. 5, so far as the same relate to the County of Welland, and to provide for the selection of a suitable place for a County Town in the United Counties of Lincoln and Welland, being read;

Ordered, That the Bill be read a second time on Monday the fourteenth day of March next.

(531)

The Order of the day for the second reading of the Bill to incorporate Ecclesiastical Bodies, being read;

Ordered, That the said Order be discharged.

The Order of the day for the second reading of the Bill to regulate the Currency, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to provide for the removal of the Registry Office of the County of Terrebonne from the place where it is now kept to a more central position, being read;

Ordered, That the Bill be read a second time on Tuesday the eighth day of March next.

The Order of the day for the House in Committee on the Bill to amend the Upper Canada Jurors' Act of one thousand eight hundred and fifty, and to repeal certain parts thereof, being read;

Ordered, That the said Order of the day be postponed until To-morrow.

The Order of the day for the second reading of the Bill to amend an Act of the Legislature of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, "An Act to amend the Law respecting Real Property, and to render the proceedings for recovering possession thereof in certain cases less difficult and expensive," being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to amend the Act of the present Session for the relief of the Sufferers by the late Fire at Montreal, being read;

Ordered, That the Bill be read a second time To-morrow.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of the Honorable Mr. Hincks, seconded by Mr. Christie of Wentworth,

The House adjourned.

APPENDIX: 28 FEBRUARY 1853.

[NOTICE OF MOTION RE: PARAGRAPH IN THE UNITED EMPIRE.]⁸⁶

COL. PRINCE, before the orders of the day were taken up, wished to call the attention of the House to a paper published in Toronto called the United Empire, published by Thompson & Co., in which was a most scurrilous attack on the Speaker of the House. A more insulting paragraph he had never seen. It was under the head of "Quebec Correspondence." He should not say anything more at present,⁸⁷ except to give notice that⁸⁸ to-morrow he intended to make a motion on the subject. (Hear, hear.)⁸⁹

[NOTICE OF MOTION RE: STANSTEAD BANK BILL.]

MR. TERRILL [gave notice that] on Wednesday next [he would introduce a] Bill to incorporate the Stanstead County Bank.⁹⁰

[NOTICE OF MOTION RE: AMENDMENT OF MONTREAL SECTION OF THE ACT INCORPORATING THE BAR OF L.C.]

MR. BADGLEY [gave notice that] on Wednesday next [he would introduce a] Bill to amend the Act of Incorporating the Bar of Lower Canada.⁹¹

[NOTICE OF MOTION RE: RESOLUTIONS ON ASSESSMENT LAWS.]

MR. LANGTON [gave notice that] on Monday next [he would move for a] Committee of the Whole, for the purpose of considering certain Resolutions upon the subject of the Assessment Laws.⁹²

[NOTICE OF MOTION RE: SUSPENSION OF HOUSE RULES FOR MONTREAL RAILWAY BRIDGE BILL.]

MR. CARTIER [gave notice that] on Wednesday next [he would move] that the 64th, 66th, and 74th Rules of this House be dispensed with in so far as respects the Bill to provide for the construction of a General Railway Bridge over the River St. Lawrence at or in the vicinity of Montreal.⁹³

[NOTICE OF MOTION RE: SUSPENSION OF HOUSE RULE FOR AMENDMENT OF BILL INCORPORATING PILOTS ABOVE QUEBEC.]

MR. LEMIEUX [gave notice that] on Wednesday next [he would move] that the 79th Rule of this House be suspended, in so far as regards the Bill to amend the Act to incorporate the Pilots above Quebec.⁹⁴

[NOTICE OF QUESTION RE: GOVERNMENT PLANS FOR A BANKRUPTCY COURT.]

MR. J. SMITH (Durham) [gave notice that] on Wednesday next [he would make] Enquiry whether it is the intention of the Government to introduce any Bill, during the present Session, to establish a Court of Bankruptcy in the Province, or for either section thereof.⁹⁵

[QUESTION AND ANSWER RE: CHANGES IN TARIFF AND CANAL DUES.]⁹⁶

MR. BROWN enquired of the Ministry, when they would be in a position to state the course they intended to take with regard to the commercial policy of the country.⁹⁷

MR. INSP. GEN. HINCKS.--On the 15th of March next.⁹⁸

[QUESTION AND ANSWER RE: EQUALIZATION OF COUNTY TAXES.]⁹⁹

MR. LANGTON enquired of the Ministry whether, taking into consideration the great probable increase of Municipal Taxation, they are prepared to make any alteration in the Assessment Laws to relieve towns and villages from the present unequal pressure of country [sic] rates.¹⁰⁰

MR. INSP. GEN. HINCKS considered the subject as one of great importance, but the Government did not intend taking it up this session.¹⁰¹

[WITHDRAWN MOTION RE: CORRESPONDENCE ABOUT RETIREMENT OF JUDGE BACQUET.]¹⁰²

MR. STUART moved for correspondence with reference to the retirement of Judge Bacquet; but eventually withdrew his motion.¹⁰³

FOOTNOTES: 28 FEBRUARY 1853.

1. The following papers noted the opposition to this matter in partially identical accounts: BRITISH WHIG, 1 March 1853, GLOBE, 1 March 1853, HAMILTON SPECTATOR DAILY, 1 March 1853, and PILOT, 1 March 1853. It was also noted by GLOBE, 10 March 1853.
2. GLOBE, 10 March 1853.
3. BRITISH WHIG, 1 March 1853.
4. GLOBE, 10 March 1853.
5. BRITISH WHIG, 1 March 1853.
6. GLOBE, 10 March 1853.
7. IBID.
8. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853). The debate was also reported by GLOBE, 10 March 1853.
9. MORNING CHRONICLE, 2 March 1853.
10. IBID.
11. GLOBE, 10 March 1853.
12. MORNING CHRONICLE, 2 March 1853.
13. GLOBE, 10 March 1853.
14. MORNING CHRONICLE, 2 March 1853.
15. GLOBE, 10 March 1853.
16. MORNING CHRONICLE, 2 March 1853.
17. IBID.
18. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 8 March 1853 (which misdated its account as 26 February 1853). The following papers noted the debate in identical accounts: BRITISH WHIG, 1 March 1853, GLOBE, 1 March 1853, HAMILTON SPECTATOR DAILY, 1 March 1853, and PILOT, 1 March 1853. The debate was also noted by GLOBE, 10 March 1853.
19. MORNING CHRONICLE, 2 March 1853.
20. IBID.
21. IBID.
22. IBID.
23. GLOBE, 10 March 1853.
24. MORNING CHRONICLE, 2 March 1853.
25. IBID.
26. IBID.
27. GLOBE, 10 March 1853.
28. MORNING CHRONICLE, 2 March 1853.
29. GLOBE, 10 March 1853.
30. GLOBE, 10 March 1853, which reported that the Bill was postponed "till Wednesday next."
31. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853).
32. MORNING CHRONICLE, 2 March 1853.
33. IBID.
34. IBID.
35. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853), HAMILTON SPECTATOR DAILY, 9 March 1853 (which

copied from QUEBEC GAZETTE of unknown date), and HAMILTON SPECTATOR WEEKLY, 10 March 1853 (which also copied from QUEBEC GAZETTE of unknown date). The debate was also reported by GLOBE, 10 March 1853. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 2 March 1853, GLOBE, 3 March 1853, and NORTH AMERICAN SEMI-WEEKLY, 4 March 1853.

36. GLOBE, 10 March 1853.
37. MORNING CHRONICLE, 2 March 1853.
38. GLOBE, 10 March 1853.
39. MORNING CHRONICLE, 2 March 1853.
40. GLOBE, 10 March 1853.
41. MORNING CHRONICLE, 2 March 1853.
42. GLOBE, 10 March 1853.
43. MORNING CHRONICLE, 2 March 1853.
44. GLOBE, 10 March 1853.
45. MORNING CHRONICLE, 2 March 1853.
46. GLOBE, 10 March 1853.
47. MORNING CHRONICLE, 2 March 1853.
48. GLOBE, 10 March 1853.
49. MORNING CHRONICLE, 2 March 1853.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. GLOBE, 10 March 1853.
58. MORNING CHRONICLE, 2 March 1853.
59. GLOBE, 10 March 1853.
60. IBID.
61. MORNING CHRONICLE, 2 March 1853.
62. IBID.
63. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853).
64. MORNING CHRONICLE, 2 March 1853.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. The following papers noted the committee on this matter in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853).
72. MORNING CHRONICLE, 2 March 1853.
73. IBID.
74. MORNING CHRONICLE, 2 March 1853. The following papers noted this motion in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853).
75. MORNING CHRONICLE, 2 March 1853. The following papers noted this motion in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE,

- 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853).
76. MORNING CHRONICLE, 2 March 1853. The following papers noted the second reading of this bill in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853).
 77. The following papers noted the second reading of this bill in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853).
 78. MORNING CHRONICLE, 2 March 1853.
 79. IBID.
 80. IBID.
 81. MORNING CHRONICLE, 2 March 1853. The following papers noted the motion in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853).
 82. The following papers reported this matter in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853).
 83. MORNING CHRONICLE, 2 March 1853.
 84. MORNING CHRONICLE, 2 March 1853, reported that "on the committee being struck Mr. Hincks thought the name of Mr. Christie had better be not put on it as he was an interested party; which suggestion was adopted."
 85. MORNING CHRONICLE, 2 March 1853. The following papers noted the motion in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853).
 86. The following papers reported this Notice of Motion in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853). The matter was also reported by GLOBE, 10 March 1853.
 87. GLOBE, 10 March 1853.
 88. MORNING CHRONICLE, 2 March 1853.
 89. GLOBE, 10 March 1853.
 90. IBID.
 91. IBID.
 92. IBID.
 93. IBID.
 94. IBID.
 95. IBID.
 96. The following papers reported this Question and Answer in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853). The following papers reported this matter in partially identical accounts: BRITISH WHIG, 1 March 1853, GLOBE, 1 March 1853, HAMILTON SPECTATOR DAILY, 1 March 1853, and PILOT, 1 March 1853. The matter was also reported by GLOBE, 10 March 1853.
 97. GLOBE, 10 March 1853.
 98. GLOBE, 10 March 1853. The following papers reported that "Mr. Hincks stated ... that it is the intention of the Government, on the 15th March, to propose changes in the Tariff and Tolls on the Canals": GLOBE, 1 March 1853, HAMILTON SPECTATOR DAILY, 1 March 1853, and PILOT, 1 March 1853. BRITISH WHIG, 1 March 1853, in an account otherwise identical to

those in these papers, gave the date as "15th of May."

99. The following papers reported this Question and Answer in partially identical accounts: GLOBE, 1 March 1853, HAMILTON SPECTATOR DAILY, 1 March 1853, PILOT, 1 March 1853, BRITISH WHIG, 1 March 1853, MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853). This matter was also reported by GLOBE, 10 March 1853.
100. GLOBE, 10 March 1853.
101. IBID.
102. The following papers reported this Withdrawn Motion in identical accounts: MORNING CHRONICLE, 2 March 1853, MONTREAL GAZETTE, 7 March 1853, and BRITISH COLONIST, 8 March 1853 (which misdated its account as 26 February 1853).
103. MORNING CHRONICLE, 2 March 1853.

TUESDAY, 1 MARCH 1853.

(531)

MR. SPEAKER laid before the House, a Return from the Trust and Loan Company of Upper Canada, received in conformity to an Order of the House, on the 27th October, 1852; and which is as followeth:--

Office of the Commissioners of the
Trust and Loan Company of Upper Canada,
Kingston, 25th February, 1853.

Sir,--In pursuance of the request of the Legislative Assembly, conveyed through you, for certain information regarding the Trust and Loan Company of Upper Canada, we beg to forward you such details as can be furnished from the Company's Books in this Country.

The gross amount of all Loans and other Investments in the Province, from the commencement of the Company's operations to the 23rd instant, is £214,284

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14s. 2d. exclusive of £100,000 contracted to be advanced to the Sufferers by the late Fire in the City of Montreal, in July last, but including the sum of £22,762 6s. 8d. on the Bonds and Debentures of various Municipalities and incorporated Companies.

The rate of Interest taken or agreed to be taken is eight per cent, except in the case of the Montreal Fire Relief Loan, on which the rate of Interest is six per cent.

The amount taken in advance is invariably one half year's Interest. The Interest of one or more subsequent half years has been paid according to the date of the respective Loans.

The amount of Law expenses charged to and obtained from borrowers, and of costs and expenses collected for or by the Agents or Surveyors or Appraisers employed in ascertaining the value of the properties offered in security or otherwise, is £4684 10s. The only further charges are the fees of the Registrars of Counties, which vary in each case, according to the number of entries on the Register Books.

The Company's Books being adjusted with reference to the date at which the Company opened its Office for business in Canada, and not with reference to the calendar year, it would occupy much time and cause serious inconvenience and delay in the progress of the ordinary business of the Company's Office, to compile separate accounts for the years 1851 and 1852, but the amounts stated above include the amounts for both years.

The List of the Company's Officers in London and Kingston is subjoined.

The amount of the Company's transactions with Municipalities and incorporated Companies is £22,762 6s. 8d. exclusive of £100,000 for the Montreal Fire Relief Loan, and the rate of Interest taken or agreed to be taken is eight per cent; with the exception of the Montreal Fire Relief Loan, which is six per cent.

The Company does not hold any lands or real estate in Canada.

The Company has not purchased at any time any mortgaged estates, lots or tenements, and consequently does not now hold, and never did hold, any property purchased below the sum for which the land was mortgaged.

The present amount of the Company's Capital is £500,000 Sterling.

Of the present Capital, £438,300 Sterling, is held in England, and £61,700 Sterling, is held in Canada.

The Directors have called up £75,000 Sterling, and £425,000 Sterling, are in reserve for security and future employment.

We have the honor to be, Sir,

Your most obedient Servants.

F.A. Harper,

Robt. Shank Atcheson.

Commissioners.

To W.B. Lindsay, Esquire,
Clerk of the Legislative Assembly.

Office of the Commissioners of the
Trust and Loan Company of Upper Canada,
Kingston, 25th February, 1853.

The Officers of the Trust and Loan Company of Upper Canada are:--

In London.

Thomas Baring, Esquire, M.P. } Trustees.
Richard Carr Glyn, Esquire, M.P. }
Sir Randolph I. Routh, K.C.B., President.

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Directors.

John Auldjo, Esquire, Charles Morrison, Esquire,
Peter Buchanan, Esquire, James Gordon Thompson, Esquire,
William Chapman, Esquire, Melvil Wilson, Esquire.

Auditors.

Michael Seward, Esquire, T.W. Bell, Esquire.

Secretary.

Thomas Macdonald, Esquire.

Solicitors.

Messieurs Crowder and Maynard.

Bankers.

Messieurs Glyn, Mills, & Co.

In Canada.

Robert Shank Atcheson, Esquire, } Commissioners.
Francis A. Harper, Esquire. }

Solicitor.

Hon. John A. Macdonald, M.P.P.

Bankers.

Commercial Bank, M.D.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Fortier,--The Petition of Antoine Lajoie and others, of the Township of Shawenegan District of Three Rivers.

By the Honorable Mr. Chabot,--The Petition of John Fraser, Esquire, and others, of the City of Quebec.

By the Honorable Mr. Young,--The Petition of the St. Lawrence and Atlantic Railroad Company.

By Mr. Fergusson,--The Petition of the Municipal Council of the United Counties of Wellington, Waterloo and Grey.

By Mr. Gamble,--The Petition of William Henry Beresford, of the City of Toronto, Esquire.

By Mr. Cauchon,--The Petition of Théophile H. Pacaud, Esquire, of the Parish of St. Maurice, County of Champlain.

By Mr. Taché,--The Petition of the Municipal Council of the Municipality

Number one of the County of Rimouski.

By Mr. Willson,--The Petition of Robert Blackwood and others, of that part of Canada lying between the Galt Junction of the Great Western Railway and Malden on the Detroit River; and the Petition of the Municipality of the Village of St. Thomas.

By Mr. Christie of Wentworth,--The Petition of John Smith and others, of the Village of Paris; the Petition of the Municipality of the Township of Pelham; the Petition of George S. Wilkes and James Kerby of the Town of Brantford; the Petition of A.B. Bennett and others, of the Province of Canada; and the Petition of James Kerby and others, of that part of Canada lying between the Galt Junction of the Great Western Railway and Malden on the Detroit River.

By Mr. Crawford,--The Petition of James Morris and others, of the United Counties of Leeds and Grenville.

By Mr. Brown,--The Petition of Jacob De Witt, Esquire, and others, American Presbyterians, of the City of Montreal; and two Petitions of the Municipal Council of the County of Kent.

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By Mr. Solicitor General Chauveau,--The Petition of the Municipal Council of the County of Quebec.

By Mr. Stuart,--The Petition of His Grace the Archbishop of Quebec, and others, of the City of Quebec.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 8th November last, praying His Excellency to be pleased to cause to be laid before the House, a Return shewing, 1st. The sums paid by the Government up to this date to the Corporation of the Railway now in progress between Toronto and Barrie on Lake Simcoe, of the Great Western Railway and its branches, and of the St. Lawrence and Atlantic Railway, and the sums agreed to be paid, for which Provincial Debentures are about to issue, to each of the said Railway Companies, and so as to show the whole payments, votes of credit, or pledges for principal or interest or both, from Government in aid of Railways. 2nd. Copy of any Reports or other official correspondence that may have taken place between the Engineers and other officers employed by the Government to report upon the condition and progress of the above Railways, or the expenditure on the same, and the Executive Government, or any Head of Department or Bureau thereof, since the close of the last Session of the Legislature.

For the said Return, see Appendix (V.V.V.)

Mr. Sicotte, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That at the sitting of the Committee, this day, Dunbar Ross, Esquire, one of the Petitioners, moved "That inasmuch as the number of Members composing the said Committee has been unavoidably reduced to less than three, to wit, to the number of two, and has so continued for the space of three sitting days, and upwards, to wit, from the sixteenth day of February, inclusive, to the twenty-eighth day of the same month, also inclusive, that the said Committee be dissolved; and that the same be reported to the House for such order thereupon as to law and justice may appertain."

Mr. Sicotte further informed the House, That after deliberating upon the said Motion, and hearing the Counsel for the Sitting Member in reply, the Committee had agreed to the following Resolution (Seneca Paige, Esquire, dissenting):--

That the said Motion be rejected, and the trial of the Petitions referred to the Committee proceeded with.

Mr. Sicotte moved, seconded by Mr. Varin, that this House doth concur with

the Committee in the said Resolution;

On motion of Mr. Taché, seconded by Mr. McDougall,

Ordered, That the further consideration of the said Motion be postponed till Thursday next.

Ordered, That Mr. Ridout have leave to bring in a Bill to extend the powers of the Consumers' Gas Company of Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Sur motion de M. STUART, il est ordonné que les pétitions du Rév. D. Paradis et autres,--et de Amable Archambault et autres ... demandant l'incorporation d'une compagnie pour la construction d'un chemin de fer sur la rive nord du fleuve Saint-Laurent, entre Québec et Montréal, soient imprimées.¹

(534)

Ordered, That the Petition of the Reverend D. Paradis and others, of the Parish of La Visitation de la Pointe du Lac, County of St. Maurice; and the Petition of Amable Archambeault and others, of the County of Leinster, be printed for the use of the Members of this House.

(535)

Mr. Lemieux, from the Standing Committee on Standing Orders, presented to the House the Twenty-third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of L.E. Rose and others, for incorporation of the Stanstead County Bank; of John Crawford, Esquire, and others, for incorporation of the Brockville and Ottawa Railway Company; of the Upper Canada Mining Company, for amendments to their Charter; of the Quebec Bank, for an increase of Capital, &c.; of George J. Ryerse and others, (last Petition) for an Act to enable them to give perfect Titles to certain Lands devised to them as heirs and devisees of the late Samuel Ryerse; and find the Notices to be correct.

The Notices requisite upon the Petitions of Daniel McDonald and others, for a new division of Yonge and Escott; of Marcus Child and others, for incorporation of a Company for constructing a Railway from Montreal to Stanstead; and of the British North American Electric Telegraph Association, for amendments to their Charter, severally presented at the former part of the present Session, have now been proved to the satisfaction of Your Committee, having been given during the recent adjournment of the House.

The Petition of the Grand River Navigation Company, for power to the Town Council of Brantford to issue the Debentures in favor of the said Company authorized by an Act of the present Session, in smaller sums, is not, in the opinion of Your Committee, of such a nature as to require the publication of Notice.

Upon the Petition of the Municipal Council of the County of Two Mountains, for authority to subscribe for Stock in the St. Lawrence and Ottawa Grand Junction Railway, Your Committee find that no Notice has been given; but a Resolution for subscribing to the said Stock having been passed by the Council at a meeting specially called for the purpose, which Resolution has been published in the public papers, Your Committee would respectfully recommend that the present application be allowed to proceed, upon the condition of a provision being inserted in the Bill, requiring the proposed subscription for Stock to be laid before the Rate-payers of the County, and to receive the sanction of a majority of the same before being acted upon, in accordance with the practice in Upper Canada in cases of a like nature.

Upon the two Petitions of the Town Council of the Town of London, praying

respectively for authority to construct Gas and Water Works, and for an amendment of the Municipal Law so far as relates to the election of the Mayor of the said Town, Your Committee find that no Notices have been given.

The Order of the day for the call of the House, being read;

Ordered, That the House be now called over.

Ordered, That the Serjeant-at-Arms attending this House do go with the Mace, to the places adjacent, and summon the Members there to attend the service of the House:--And he went accordingly; and being returned;

The House was called over, and several of the Members appeared; and the names of such Members as made default to appear, were taken down, as follow:--

William Henry Boulton,

William Lyon Mackenzie,

David LeBoutillier,

Daniel McLachlin,

George Byron Lyon,

Hon. William Hamilton Merritt,

Hon. John Alexander Macdonald,

Hon. Louis Joseph Papineau.²

Sir Allan Napier MacNab,

On motion of the Honorable Mr. Morin, seconded by the Honorable Mr. Hincks,

Ordered, That the Reasons of absence of such Members as were not present at the call of the House, this day, be taken into consideration on Tuesday next.

The Order of the day for the second reading of the Bill to enlarge the Representation of the People of this Province in Parliament, being read;

(536)

The Honorable Mr. Morin moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That the Bill be now read a second time;

And a Debate arising thereupon;³

MR. PROV. SEC. MORIN then proceeded to move the second reading of the representation bill, the debates on which he said had been doubtless considered during the recess by hon. members. The principle of the bill was the extension of the numbers of that House. The reasons for this were numerous; one of the chief being the increase in the independence of the House by increasing its members, and so making it more difficult to influence them improperly. He believed the division of the country had been fairly made, so as to give this increase equitably amongst all territorial sections, and among all origins. In Lower Canada the principle adopted had been not to disfranchise any place. Thus they had divided the large counties, but had not disfranchised any. If this bill were not past by the requisite majority, however, some other steps would be necessary, and this step would probably be by disfranchising the smaller constituencies to make up a higher number of representatives in the large ones. Notwithstanding all care, however, it had been found necessary to Lower Canada to cut up some counties in a manner that would not give satisfaction to all parties. At the same time he did not mean to say that the detail now in the bill ought to remain. Without pledging himself to any particular change, the Government would be ready to listen to all suggestions for such amendments in the details as the House might suggest.⁴

MR. H. SMITH agreeing in the chief observations of the hon. member, who had just sat down, had a great many objections to this bill. The hon. mbr. then went over the bills already brought in on this subject during previous sessions. In the bill of '51, the principle was stated to be that counties under 15,000 were to have one member, and those over that two members. That bill was lost by one vote, because that principle was not adhered to in respect to the county of Glengary, and in respect to other counties. He had on that occasion felt it his duty to vote against it.⁵

Hear from MR. INSP. GEN. HINCKS.⁶

MR. H. SMITH [continued:] The hon. member appeared to think him not sincere in saying that he was in favor of an increase of representation.⁷ That was nevertheless the fact, and when he saw such a bill he would be most happy to vote for it, but he could not vote for the bare principle of increase of population as made in this bill without sanctioning also the way in which this was to be effected; and he now asked how it was that three counties in Upper Canada were to have but three members, while three smaller counties in Lower Canada have six? How was it again that the principle of aggregating various small towns was to take place in Upper Canada, and yet that there was to be no such aggregation in Lower Canada? Why not add together Sorel and Three Rivers, and so on, as well as Niagara and Dundas and St. Catharines? He found, too, that of town constituencies in Lower Canada six members only were to be returned by the same number as were to return ten members in city constituencies in Upper Canada. The hon. member then went over the details of this aggregation of cities, and complained of the manner in which constituencies with the most hostile interest were added to each other for purpose of electing members of Parliament. The fact was, however, that none of the various bills, which had been brought in had any principle, and he was very sorry to hear the threat which had accompanied this last, of disfranchising certain countries [sic] unless the desired majority were obtained. He then proceeded to ask whether population had any thing to do with the draught of this bill? Clearly not. The Counties of Beauharnois, Vaudreuil, and Montreal altogether, had but 63,000 population less the odd figures. They were to have six members. In Upper Canada, Hastings, Peel, and Carleton, had 78,000 population, and they were to have but three members.⁸

MR. INSP. GEN. HINCKS.--That's not right.⁹

MR. H. SMITH.--Well he took it from the schedule furnished by the government. He thoroughly agreed with the Provincial Secretary in the propriety of making the House more independent. Probably that would to some extent be effected by increasing the members of the House, and so rendering it more difficult to work the present prejudicial system. It was only to be regretted that when the independence of Parliament bill was passed means had not been taken to prevent members of that House from receiving any public money. After remarking on some of the defects of the bill he trusted the House would not sanction the second reading.¹⁰

MR. INSP. GEN. HINCKS much regretted the tone assumed by the hon. member for Frontenac and gentlemen on his side of the House, who¹¹ were disposed to make this a party question as they had always done before. He had prepared this bill with a desire to carry out a measure for the general good of the country, and he thought that considering the immense majorities by which the opinions of the country had been so often expressed on this subject--by numbers which would have been considered sweeping majorities on any other question--gentlemen opposite should respect the opinion so often expressed. Four times had the Government brought in bills of a similar nature to the present one, and they had always been lost by about one vote. He condemned the position taken by the hon. member for Frontenac who was opposing the bill on the most trifling grounds, and on what were mere matters of details on which the Government were quite willing to meet the views of the members opposite so far as was possible. He was not prepared to meet the hon. member for Frontenac in all the points he advanced, but he would say that the Government were prepared to meet the wishes of the opposition on any point of detail for which good reason could be assigned. He therefore trusted that no more opposition would be offered to the second reading, but that the bill would be allowed to go into committee, when all these points might be fully discussed and then, if

gentlemen opposite did not approve of the bill, they could vote against it on the 3rd reading, which required just the same vote to carry it as the 2nd. The hon. gentlemen on the other side of the house called upon the Government to state what course they intended to take in case the bill were thrown out and when they were told, they accused the Government of holding out threats. Some attempt would be made if the bill were thrown out, to equalize the representation in Upper Canada, and he was sure the majority in the house would not support the present state of the representation. Look for instance at the United Counties of Wellington, Waterloo, and Grey, with a population of nearly 80,000 inhabitants, represented by only one member. They would attempt to remedy the most palpable evils of the present representation by disfranchising some of the smaller towns, and giving additional members to the large counties.¹² This he believed was founded on principles of justice. The present bill was not like that of 1851. He did not propose so large an increase in the number of members; and hon. gentlemen might remember that one of the¹³ principal objections taken to the bill of 1849, was the large number of members proposed, and ... reducing the number now from 150 to 120 was a concession in favour of the gentlemen opposite. From first to last, there had been a wish to meet the views of gentlemen on the other side of the House, even to the prejudice of their own party. He (Mr. Hincks) denied altogether that it was necessary to adhere to the numbers of population as laid down in the present schedules. The framers of this bill had to take into consideration the aspect of affairs at the present time and it was all very well for hon. gentlemen to talk of the cities of Quebec and Montreal, when comparing the representation of Lower Canada with that of Upper Canada, but it was quite clear that these cities were fairly dealt with, and although they may be entitled to a larger number of members than they have at present, perhaps to 4 instead of 3, it would not be deemed proper to increase their representation solely on account of the number of their inhabitants. He did not think that when Toronto had eight or ten thousand more than it has at present, it would be deemed advisable that it should have another member. He did not consider that weaker or more unjust grounds could be taken to oppose the bill than those taken by the hon. member for Frontenac: he had taken the County of Peel as an instance of the injustice of this bill. Now, it so happened that the County of Peel came the very next in point of population to those counties returning two members, but it was necessary to draw some line of distinction as to number, and the County of Peel just fell without the limits prescribed. Moreover, the County of Peel was in a section of the country which is very well represented through the Counties of York and Ontario and the City of Toronto. Again the hon. member for Frontenac picks out the smallest counties in Lower Canada to compare with the largest in Upper Canada. He takes the County of Montreal, but to that 1000 have been added, making its population 30,000. Another great mistake was made by that hon. gentleman. He seemed to think that persons were sent to Parliament to represent local, instead of general interests, but he (Mr. Hincks) thought that nothing would be more beneficial to the Province than to prevent members being influenced by local questions.¹⁴ The only question to consider on the second reading was the desirableness of an increase of the representation. He believed there had been every disposition on his side of the house to make the bill generally acceptable. Hon. gentlemen should remember that they did not come there to represent local interests, but the interests of the whole province, and nothing could be more pernicious than to think otherwise.¹⁵

MR. H. SMITH [asked] why towns were joined.¹⁶

MR. INSP. GEN. HINCKS [continued:] Great objections were made to joining towns together for the purpose of representation as proposed in the bill, and on this very ground of the interference of these local interests, but hon.

gentlemen opposite were formerly very much in favour of increasing the representation of the towns, because they gained their principal support from them¹⁷ while counties generally went for the reform interests.¹⁸ The reason was a very simple one--town influence was growing up in Upper Canada, and as few of these towns were sufficiently large to have representatives of their own, it was advisable to join them together for the purpose of representing their interests, which were different from those of the counties, the one being commercial, the other agricultural. This was no new plan, for it had been successfully carried out in other countries. There were grouped boroughs in Scotland, and nothing was heard there of conflicting local interests. They sent members to Parliament to represent the general interests of the country, and not the local interests of particular places. The Government measure brought in by Lord J. Russell, for an increase of Parliamentary representation contemplated an extension of the same principle--and if it had not been found advantageous in Scotland, it is not likely that it would have been carried any further. The member for Frontenac asked why this principle of grouping towns together was not adopted in Lower Canada; but in Lower Canada circumstances were very different, there the town influence was principally concentrated in the two large cities of Quebec and Montreal, and it was proposed to increase the representation of these large towns, and not to disfranchise any of the smaller ones. He contended that the bill was based upon the general principle of increase of representation according to population--and again urged the House to consent to the second reading, that the bill might go into committee,¹⁹ and lay aside party feelings. If hon. members would not take that course, the government would much regret it.²⁰ If the details were not altered to suit the views of hon. gentlemen, they could throw it out on the third reading.²¹

MR. LAURIN (in French) censured the hon. member for Frontenac²² for opposing the second reading of the bill because he did not approve of the details. He (Mr. L.) did not approve of some of the details of the bill, but as he desired an increase of the representation he should vote for the 2nd reading²³. The hon. member continued to give his reasons for increasing the representation; but if his amendments were not carried he would vote against the third reading.²⁴

MR. ROBINSON did not see why the Inspector General should accuse members on his (Mr. R.'s) side of the House with making this a party question. He did not see that an increase of the representation was necessary at all, and as a proof that the country did not, the members on his (Mr. R.'s) side of the House had been re-elected when they went to their constituents. He denied that they had made it a party question. He believed that if the hon. member went to any constituency in Upper Canada and asked if they desired an increase of the representation they would answer, no. But if the representation were increased, population was the only proper basis.²⁵ Was it justice that with a much larger and rapidly increasing population, Upper Canada should have only the same number of representatives as Lower Canada? The Hon. Inspector General says that we should not oppose his bill, because it has been brought in so often, but no matter how often they brought in such a bill as this, he should continue to oppose it, and he was not afraid to go back to his constituents on the question.²⁶ He (Mr. R.) could not support the bill, but, he would state that if he could have approved of the bill, he would have voted for it heartily.²⁷

MR. FERGUSSON contended that if the bill were not perfect, that was no reason for voting against the second reading.²⁸ [He] objected to many parts of the bill, but he intended to vote for its second reading and if it was not eventually carried, he hoped some measure would be adopted to disfranchise the small towns and give increased representation to the larger counties. What they had to look to was simply this, is or is not the proposed bill an improve-

ment on the existing system? if it is, those who oppose it defend the present one. The part of the bill that he most objected to was the lumping together of the towns, but to vote against the second reading on this account would be as much as to oppose all reform, he therefore advised all who were really in favour of an increased representation to vote for the second reading as he intended to do, reserving the right of voting against the third reading if the parts he objected to were not amended.²⁹

MR. GAMBLE approved of an increase of the representation, but not of the bill of the Inspector General. Because he found fault with one system that was no reason why he should vote for another as bad.³⁰ He did not agree with the hon. member for Simcoe, in saying that an increase of the representation was not called for. He (Mr. Gamble) did not wish to have the present system continued, but he was not sure that the proposed bill, if carried out as it is at present would not be worse than the present system; and he did not know but that the threatened policy of the Government would be the more preferable one of the two. The Provincial Secretary said that he would not pledge himself to alter any of the details, as was desired on his (Mr. Gamble's) side of the House, and in this measure details were the very principle of the bill. He objected to the lumping together of the towns in the way proposed.³¹ The reporter understood him to say that he was in favor of the basis of population, allowing Toronto, Kingston and Hamilton to return members, and³² if the³³ remainder of the towns³⁴ were too small to be entitled to representatives, they should be joined to the counties, and he did not see the necessity of the commercial interests being separated from those of the counties. He quite agreed with the Provincial Secretary when he said that this question should not be considered as a party question. He considered that a certain amount of local knowledge was very advantageous, for the great object of representation was, that the feelings of the people should be represented, and that could only be fairly done by adopting the principle of population and single electoral districts.³⁵ He believed that Upper Canada was in favor of an increase of representation, but only on the principle of population.³⁶ Basing the representation upon population was the only system that would ever be satisfactory to the people generally. He had every disposition to meet the Government fairly upon this question, and he desired that the bill should go through the second reading, and would vote for it if there was any surety that the Government would make the amendment desired when it went into committee.³⁷

MR. INSP. GEN. HINCKS asked if the hon. member for South York would like to break up the existing divisions.³⁸

MR. GAMBLE did not see that there was any necessity for doing so. Why not divide the counties into separate divisions for electoral purposes. In framing this bill they should consider what would be best for the future as well as for the present, and so devise a measure which would adapt itself to the increase of the population.³⁹ They should ... insert in it some provision, by which the representation should adjust itself to the population at stated periods when the census was taken. The hon. member went on to speak of some details of the bill.⁴⁰ The joining together of towns for electoral purposes might do in Scotland where all local interests were settled, but it would not answer in a rising country like this.⁴¹ He did not see that any reason existed in this country, whatever might be the case in Great Britain, to represent different interests. In this country there was but a general interest.⁴²

MR. INSP. GEN. HINCKS said the Government were not pledged to the union of the towns. He had till this evening, been of opinion that the gentlemen opposite were in favour of⁴³ their being represented. He had no strong feeling in the matter.⁴⁴

MR. MURNEY spoke of the local interests of the towns, and said that those which the bill proposed to unite were dissimilar. He contended that local interests were always⁴⁵ stronger than those founded in any great principle. He believed that Belleville, Port Hope, and other towns in Upper Canada would double their population before five years, and that in the course of that time they would all be entitled to return members.⁴⁶ He believed that when the population of a town arrived at 10,000 it should return a member. He continued to contend in favor of basing representation on population; and asserted that the opposition had treated the government in a generous manner, and had not taken advantage of many circumstances which they might have done.⁴⁷

MR. LANGTON contended that the bill of the Inspector General was founded upon no principle; that it was a thing made of patches for mere expediency. He believed the representation ought to be based on population. He agreed with Mr. Gamble. He would fix a certain limit to the counties, and say that when they attained such & such a population they should return one member, and when the population attained another limit, two members. You would by that means establish an enduring and simple principle. We understood him to say that he would vote for the seconding [sic] reading, but with the understanding that if such alterations as he desired were not made he would vote against the third reading.⁴⁸

MR. MARCHILDON (in French) made some remarks on legislation in general, condemning the manner in which it was conducted in the House, and said he would vote against the bill.⁴⁹

MR. TURCOTTE (in French) reviewed and ridiculed Mr. Marchildon's speech, telling him that his county was in favor of an increase of the representation. In reply to gentlemen opposite, he contended that to demand a representation of the two provinces, founded on population, was tantamount to demanding a dissolution of the union. Lower Canada could not consent that Upper Canada should return a larger number of members than it.⁵⁰

MR. MARCHILDON replied.⁵¹

On motion of MR. INSP. GEN. HINCKS the debate was postponed until to-morrow.⁵²

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Ordered, That the Debate be adjourned until To-morrow, and be then the first Order of the day.

*The Order of the day for the second reading of the Bill to appropriate certain unexpended balances out of the School Fund for Lower Canada, and certain other sums out of the Jesuits' Estates Fund, for Educational purposes in Lower Canada, being read;*⁵³

MR. PROV. SEC. MORIN moved the second reading of the Bill to dispose of a balance of the School Fund and a portion of the Jesuits' Estates Funds for Educational purposes in Lower Canada. He made some remarks, but in so low a tone of voice that the reporter could not hear them.⁵⁴

DR. LATERRIERE contended, as we understood, for the establishment of Normal or superior schools in every county.⁵⁵

MR. PROV. SEC. MORIN spoke in reply, and objected to the hon. member's propositions.⁵⁶

MR. COM. PUB. WORKS CHABOT contended that one well conducted Normal school would be likely to work well.⁵⁷

DR. LATERRIERE replied.⁵⁸

Some further discussion [followed]⁵⁹.

The motion was carried.⁶⁰

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The Honorable Mr. Morin moved, seconded by the Honorable Mr. Chabot, and the Question being put, That the Bill be now read a second time; the House divided:--And it was resolved in the Affirmative.

The Bill was accordingly read a second time.

Ordered, That the Bill be read the third time on Tuesday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Laurin, seconded by Mr. Gouin,

The House adjourned.

APPENDIX: 1 MARCH 1853.

[NOTICE OF MOTION RE: AMENDMENT TO THE ACT INCORPORATING BAR OF LOWER CANADA AS REGARDS THE INDENTURES OF LAW STUDENTS.]⁶¹

MR. GOUIN [donna avis que] mercredi prochain [il] fera motion qu'il lui soit permis d'introduire un bill intitulé: "Acte pour amender un acte passé dans la douzième année du règne de Sa Majesté, pour l'incorporation du barreau du Bas-Canada."⁶²

[NOTICE OF ADDRESS RE: INDEMNIFICATION OF LEGISLATIVE COUNCIL MEMBERS.]⁶³

MR. H. SMITH (de Frontenac) [donna avis que] jeudi prochain [il] proposera qu'une adresse soit votée à Son Excellence le gouverneur-général, le priant de faire mettre devant cette chambre, copie de toute communication qui pourrait avoir été adressée à des membres du conseil législatif, relativement à une indemnité pour les membres de la dite honorable chambre.⁶⁴

[NOTICE OF ADDRESS RE: DAMAGE CLAIMS OF RUISSEAU SAUVAGE INHABITANTS.]⁶⁵

MR. SANBORN [donna avis que] lundi prochain [il] proposera qu'une adresse soit votée à Son Excellence le gouverneur-général, pour copie de toute la correspondance qui se trouve dans les archives du bureau du secrétaire provincial, relativement aux réclamations de certains habitants de l'établissement du Ruisseau Sauvage, dans le township de l'Est, pour obtenir compensation de dommages à eux causés par des citoyens de l'état du New-Hampshire, lors de l'arrestation faite en 1835, de deux individus, en vertu d'un warrant d'Alexander Rae, écuyer, alors juge de paix; et aussi, copie du rapport fait par John Moore, écuyer, commissaire nommé en vertu de la 9e Vic., chap. 38, sur la nature et l'étendue des dommages éprouvés par les susdits réclamants.⁶⁶

[WITHDRAWN MOTION RE: A PARAGRAPH IN THE UNITED EMPIRE; THAT IT BE DECLARED A BREACH OF THE PRIVILEGES OF THE HOUSE.]⁶⁷

COL. PRINCE had, on the preceding day, called the attention of members to a newspaper paragraph, and stated that he should complain to the House of a very gross breach of its privileges, in an insult to the Speaker, and through him, to the House, contained in it.⁶⁸ It was possible he was mistaken in thinking this was the case; but he thought it not very probable.⁶⁹ It was not his intention to talk of the liberty of the press, for that was well understood, and no man had a higher opinion of the rights of the press than he had, but when of the members of the press there was one man to whom the House had extended an unusual degree of favour and liberty, and when that favour and liberty had been returned with gross licentiousness⁷⁰, when the press was turned into an engine of licentiousness and gloated over insults to members, especially to the⁷¹ gentleman whom we have placed in the highest position in the country, it became their duty to protect him, and through him, themselves, from a repetition of these insults.⁷² That all public men were liable to⁷³ the remarks of the press, and to the censure of the press⁷⁴ was true; and slavish would be the man who would try to prevent that censure; but⁷⁵ when a member of the press, whether an editor or a proprietor, endeavours⁷⁶ [with] remarks upon personal appearance⁷⁷ to bring into contempt the Speaker, or any individual member of the House--instead of his being allowed to exercise liberty, he should be restrained by the most stringent measures. God created man in his own image, and in the image of God created he him; but, if one man is not fashioned according to the taste of a member of the press, was he to be allowed to insult him with impunity?⁷⁸ It was not for these severe gentlemen of the press to ridicule any one because

not made just as pleased their particular tastes.⁷⁹ And he wished the public distinctly to understand that the press had no right in that House, but by its consent: no individual in Christendom had a right to be in the House but upon sufferance⁸⁰, no person, not a member of the House itself ... could otherwise have a right to a place within those walls.⁸¹ For his own part, he did not care for the attacks of the press, he had become quite impervious to them--his skin had become as hard as that of a rhinoceros, from frequent attacks, but he felt that most of his acts were approved of by the monitor that sits here (pointing to his breast.) He only desired to protect the Speaker, who had no means of self-defence. It is said, he (Mr. P.) continued, that one makes too much of an individual by noticing him publicly--that you make a martyr of him; but it would be so only in the eyes of those who do not exercise their reason in judging of the matter. He was willing and ready to stand up in defence of the Speaker, and of themselves. With regard to the person who had so grossly abused the favours accorded to him,⁸² he did not mean to move that ... [he] should be brought to the bar; but he did mean to move that this person⁸³ be expelled from the House, from the library, and from the reading room, and that he should not be allowed to pollute the House by his presence--to which, in return for the liberty and protection they had accorded him as a member of the press, he had returned insult and licentiousness. He would read the paragraph to which he referred; it was in a paper called the United Empire, edited by Thompson & Co., who appeared to be better qualified to be green grocers⁸⁴ [or] to sell brick dust⁸⁵ than engaged in literary pursuits, which were generally supposed to soften people's manners--

"Ingenuas didicisse fideliter artes,

Emollit mores nec unit [sic] esse feros."⁸⁶

This paper is called the United Empire, and is, it is said, published by Thompson & Co.⁸⁷ Who the Co. was he did not know, but he did not think that any man of the name of Thompson would be able to write such an article, for Thompson was an English name, and Englishmen were usually more manly than to do such things. The most proper course would appear to be to bring this Thompson & Co., to the bar of the House, to answer for inserting such a paragraph in this paper, but that would take too much of the public money, and would cost more than Thompson & Co., were worth.⁸⁸ He would not make so much of them.⁸⁹ He understood, however, from unquestionable authority, that a gentleman rejoicing not in the euphonious name of Thompson & Co., but in that of Hogan,⁹⁰ was the editor of this paper, and the author of this paragraph. He had been informed by a member, and he believed, that a man of the name of Hogan was the author, and that he⁹¹ had had "the impudence" to boast⁹² that he was the correspondent who had written the letter in question.⁹³ He therefore thought that the liberty that had been extended to him from the House be withdrawn, and that he be desired to retire from this House, and that he be not allowed to enter it any more. If he had said anything about him, (Col. Prince) he should not have cared, for⁹⁴ his skin was so much like that of a rhinoceros ... but this might not be so with a gentleman who presided over that House⁹⁵. He had chosen to attack the Speaker who had done nothing in the discharge of his official duties to deserve it, who had never intruded his arguments on the House,⁹⁶ who had never taken any part in politics, since elevated [sic] to the chair, and who had no means of defence.⁹⁷ Did he take this course because he wished to punish this man? No, it was because he desired to do justice to the Speaker as well as to themselves. If they did not take any notice of this, then these insulting scribblers will go on in the same way continuing these insults day by day, and casting such odium upon this House that he for one should not be able to show himself.⁹⁸ When these things were read in the cabins and pot houses of the West, what must people think of this House?⁹⁹ He therefore called the attention of the House to this attack upon their Speaker, for

if such things continue to go uncontradicted among the yeomanry of the country, who, before retiring to rest after worshipping their Creator, take up their paper and find such things said about their representatives, what opinion would they have of the House, when they saw such things as an hon. gentleman called a miscreant as he found he was in this paper, and another hon. gentleman, the President of the Council and President of the Bureau of Agriculture, who was as popular a man in the agricultural counties as any man he knew of, was called a dirty fellow. (Laughter.)¹⁰⁰ These offensive words might be laughable, but what he asked again must the people think when they saw the President of the Council called a "miscreant," and what when they saw the hon. Commissioner of agriculture called a "dirty fellow"[sic]¹⁰¹--what when they saw the Speaker described as a low vulgar person, anxious to lay bets about beer and tobacco and so forth?¹⁰² They would have a strange idea of this House: for whenever anything is published, no matter what it may be, people will always believe that there is some truth in it, and when they see it published that the Speaker of the House is such a vulgar fellow what must they think of the other members of it, when they see him represented as being one of the lowest fellows in the country.¹⁰³ What right had any member of the press thus to insult any member of that House?¹⁰⁴ He for one was not going to submit to such conduct. The members of the press ought to be grateful for the accommodation that is afforded to them by the House, and what right has any member of it here, or elsewhere, to insult the House as is done in this paragraph. He would say nothing about the other falsehoods¹⁰⁵, balderdash and scurrilous ribaldry which preceded it.¹⁰⁶ But he would read the particular paragraph he referred to. The Speaker is, in the first place, spoken of as sitting in a very free and easy position. Well, is not that the position in which he should sit, not like a Methodist parson exactly. (Laughter.) It thus goes on--"He doubles his long thin limbs round the legs of his chair about as gracefully as I can fancy that the immortal broad brim of the Streetsville Review stows away his trotters in the stage for six filled with fourteen [sic] of the able bodied men and women from the township of Toronto. And, as for dignity, he looks exactly as if the brightest idea in his mind's eye was to play the dirtiest looking man in the gallery a game of 'old sledge for drinks all round;' or if he would like to move the House into a committee of supply on the subject of tobacco, oysters, and the fixins." (Laughter.) It is all very well for hon. gentlemen to laugh, but what was the effect of this on the public at large. Those who knew the Speaker could look at it and laugh, but is that the case throughout the country at large. The freeholders of this country are not generally jocular men, they are reflecting men, and when¹⁰⁷ they came in at night, read the papers and heard them read by their children what opinion must they form of the Speaker?¹⁰⁸ They will say what a House it must be to have such a vulgar man for its Speaker. He did not intend to bring the person who wrote this to the bar of the House, but he wished to have him excluded from it altogether, and from the library and reading room, and that the paper with which was connected should be taken off the files of the House.¹⁰⁹ He desired to make the public understand that however lenient former Houses of Assembly might have been no individual should be allowed to stand forth, to slander members of that House, and at the same time expect to meet in the Library members, who would treat them as all gentlemen had a right to expect to be treated. He concluded by moving to declare that the said paragraph was a gross breach of the privileges of this House.¹¹⁰

MR. H. SMITH (Frontenac) said that he must confess that he was a good deal astonished that the House should be detained¹¹¹, on a government night¹¹², with a speech from the hon. member for Essex¹¹³ about a paragraph of this kind in a public newspaper, which seemed to be a criticism upon the personal appearance

of a member¹¹⁴ of this House, and thought the course taken by that hon. member was a most extraordinary and unprecedented [sic] one. He had looked into all the cases of libel on Parliament that were recorded but he could not find that the House of Commons had even treated one in the manner prescribed by the member for Essex. He rose for the purpose of raising his voice against this exparte proceeding. The member for Essex was a lawyer, and yet he would condemn a man on mere hearsay without allowing him to defend himself. There was no precedent to show that such a thing as this had even been looked upon as a breach of privilege.¹¹⁵ Indeed nothing could be more absurd¹¹⁶. Why, every one was aware that for the last three or four days all Quebec had been¹¹⁷ raging with¹¹⁸ the extraordinary appearance of the member for Essex in his white shirts and top boots (laughter)¹¹⁹. People said that he had the most wonderful pair of boots that ever were seen. (Laughter.)¹²⁰ But surely the hon. member was not going to take that up as a breach of privilege.¹²¹ He entreated the hon. member to show himself now and no doubt the reporters would do him justice; they would see and report that he had a most remarkable pair of hessian boots, and therewith an equally wonderful pair of corduroy trousers. But to return¹²², the hon. gentleman says that he has taken the words of some hon. member of the House on which to make a charge, but he must know that the first thing is to declare that the publication of this paragraph is a breach of privilege, and then cite the author at the bar of the House, and let him plead guilty or not guilty. What would be said throughout the country when it was known that the House had excluded a reporter from it on a mere hearsay, exparte statement such as these [sic], without even allowing the person accused to say anything in his own defence. He considered that the interests of the country were never fairly represented unless they had those men there to send forth to the country the proceeding of the House.¹²³ Even if this paragraph were a more serious offence, it would be quite unreasonable to drive the supposed writer out of the House upon the mere ipse dixit of hon. members of the Government, in whose word the hon. member for Essex had formerly entertained no confidence whatever, though he had suddenly acquired a wonderful amount of that sort of confidence in them.¹²⁴

COL. PRINCE said he did not state that Mr. Hogan was the author of this letter on the faith of the ministry.¹²⁵

MR. H. SMITH.--Why you looked towards the member for Kent and the Attorney General.¹²⁶

COL. PRINCE.--The member for Kent sits in another direction.¹²⁷

MR. H. SMITH.--Well the hon. member of course acted as he usually does--one session he looks in one direction and another in quite another direction (loud laughter.)¹²⁸ The extract referred to did not reflect on the character or conduct of any member of the House, but merely on the personal appearance of the Speaker. It was to the conduct of the Speaker that they looked, and not to his personal appearance and dignity.¹²⁹ The hon. member then proceeded to read some extracts from the English books of Parliamentary law¹³⁰. He could not find in any of the records of Parliament any proceeding like the present. The writer appears merely to be describing the appearance of the House. He appears to be in the habit of writing about Cicero Rose whoever he is (laughter) and then he goes on to say that Mr. Macdonald is not here, and that Sir Allan McNab is ill, and so on, giving a general sketch of the whole affair. Here is something about Malcolm Cameron looking as dirty as usual. (Laughter.) Well (continued Mr. Smith) we know that he does sometimes look very--that is he looks very black at this side of the House sometimes, perhaps that is what is alluded to, but we do not hear that he is going to take any notice of it. Well, there is something about Emperor Francis the I--

certainly there is something treasonable in that, because to speak of there being an Emperor of this country, certainly appears to imply something against her Majesty Queen Victoria. (Loud laughter.) The article then goes on to speak about what they are doing at Halifax, and about looking into a millstone, but in all this there is nothing against the conduct of any member of this House. Mr. Smith then went on to mention one case recorded, where a publisher of a newspaper was punished for inserting in his paper a libel on the Speaker of the House of Commons, which was held to be a breach of privilege--but that was a letter which accused the Speaker of improperly putting a question to the vote, charging him with a direct dereliction of his duty; and he defied the hon. member for Essex to produce any precedent to show that such a paragraph as the one under consideration, was ever held to be a breach of privilege. Reference had once been made by the editor of a newspaper to his (Mr. Smith's) appearance in the House, when he did not happen to be present at all;¹³¹ it had ... been his fate to have had it said of him by one Col. Richardson that he made his bow in his place in Parliament with his uncombed head¹³², (laughter,) but he had taken no notice of it, though he considered his hair of just as much consequence to the appearance of the House, as the Speaker's boots or rags. (Laughter.) The hon. member for Essex should be able to define the difference between a libel on the character or conduct of a man and a mere criticism on his personal appearance. Could he suppose that he would even carry such a resolution as the one he had introduced. It would be much better if hon. members were not quite so thin-skinned as to take notice of a thing of this kind, and he defied the member for Essex to show that the person accused had done anything against the privilege of this House.¹³³ He farther reminded the House that if this reporter was turned out others could be turned out, too, by any other member.¹³⁴ Perhaps the hon. member forgot how he had once turned the present member for Haldimand out of the Library of the House, and how he had taken the poor little man by the collar.¹³⁵ Did not the hon. member of Huron give him a ticket to go in again.¹³⁶

COL. PRINCE.--No such thing.¹³⁷ It was not true that he had kicked the hon. member for Haldimand out of the Library.¹³⁸

MR. H. SMITH.--Well I can only refer him to the hon. Speaker himself from whom I had an account of the affair, when he was sitting on the floor of this House. Mr. Smith went on to say that even if this resolution was carried it could not prevent him from giving a card to the person excluded and admitting him to the galleries [*sic*], unless a rule of the House was altered for the purpose, and if that was done, he should at once insist on the galleries being cleared altogether, and not allow any Reporter to be present. The hon. member also proposes to take the newspaper off the file, but that paper is as much his (Mr. S.'s) property as of any one else, and besides, it might contain much information about parts of the country very necessary to some of the members.¹³⁹ He concluded by reading the various parts of the article complained of with humorous comments¹⁴⁰. He would appeal to the hon. member for Kent if he had not seen such paragraphs and others ten times worse, hundreds upon hundreds of times in the public papers without any notice being taken of them or any thing being said about them. He hoped that the House would pause before they carried this resolution. If they did carry it they would be doing that for which they had no authority.¹⁴¹

COL. PRINCE believed that there was¹⁴² on the books no case similar to this one¹⁴³ because English writers never disgraced themselves by such productions as these, but if a ruffian or a person who does not know what is due from one gentleman to another acts in this way showing neither wit nor talent, nothing but a mere cacoethes scribendo, is not the House to defend itself from these

attacks, and has it not the power in such a case to make a precedent and treat it as a breach of privilege.¹⁴⁴ There was no reason in the world, why new cases should not be properly dealt with.¹⁴⁵ He was accustomed to treat the members of the Press as gentlemen and would continue to do so as long as they acted like gentlemen. He then went on at some length to defend his mode of dress which was the same as that adopted by his constituents who were farmers, and not to dress in broadcloth like a dancing master, (alluding to the dress of the member for Frontenac.) He denied that he had turned Mr. Mackenzie out of the House in the manner described; he had never condescended to do such a dirty action as to lay hands upon him. For reasons not necessary to explain, Mr. Mackenzie's being in a place to which he had no right gave him much annoyance, and he requested him to go out which he did like a gentleman.¹⁴⁶

MR. BROWN said:--Mr. Speaker, before proceeding to address the House upon the resolutions of the hon. member for Essex, I wish it to be understood that I have no sympathy with the language of the paragraph which has been brought under our notice. I think, sir, that your conduct in presiding over the deliberations of this House should have freed you from such remarks, and I am well convinced that the manner in which you have discharged the duties of your high office is so well known throughout the country that such attacks can have no effect on the public mind. I think, therefore, that it would have been far better and have comported more with the dignity of this House, had the paragraph in question been allowed to pass without notice¹⁴⁷ like the idle wind, as a great many more such paragraphs had done.¹⁴⁸ (Hear, hear.) But, sir, as the motion of the hon. gentleman compels us to take action upon it--I am free to say that I do not think there is any just ground on which we can interfere in this matter. The editor of a public journal, in the legitimate exercise of his professional duty, has criticised the appearance of our Speaker, and in doing so has used language which we think unjust and improper: well--what then? There is no mistatement about proceedings--no charge against any member, which if true were discreditable to him--the writing is a mere piece of literary criticism. In my opinion that criticism is unjust--but am I to be the judge of that? There are occasions when strong language is in place, and when it is out of place--but that is entirely a matter of opinion. Is this house to act itself up as the censor of the public press? This alleged libel was published at Toronto--are we to exercise a surveillance over the hundred and twenty papers published over the Province, and drag to our bar the publisher of every paragraph that offends against the dignity of this House? Where is this to stop? Is it only attacks on the Speaker and the President of the Council and the Commissioner of Crown Lands that are to be noticed--or shall this protection be extended to all the members of the House? The hon. gentleman who introduced the resolution was pleased to say that he would be as ready to move in defence of one member as of another, even of the member for Kent. Sir, I can assure the hon. gentleman that if he undertook such a task--he would have his hands full. I will take him into the library and show him in the ministerial papers twenty personal attacks on myself based on untruth[s]--far more gross in language than the one before us--and all published within a week. Do these attacks distort me? Not in the least--they are the passing penalty of public life. That which is true and that which is false soon find their right level--and he who acts fearlessly upon principle, may safely leave Truth to justify itself. But it may be said that this censorship is only to be exercised over the newspaper reporters and correspondents who attend the sittings of the House? We invite the representatives of the Press to be present at our deliberations, we furnish a place for their convenience--is this coupled with the condition that they must write as we want them? Must they square their sentences to suit our taste--under the penalty of being dragged to the bar of the House and branded

as libellers? Are we to take from them the right to give free and unbiassed opinions of our daily proceedings? Sir, I am free to give my opinion that the gentlemen of the Fourth Estate has as important and responsible duties to discharge to the public as any member on the floor of this House, and that they would ill discharge these duties did they not spurn any such condition. How much of the liberty we now enjoy is due to the efforts of an unshackled press?--What purity would remain in the administration of public affairs, without the severe effect which it imposes on corruption? Do not scenes occur in this House which reflect more discredit than anything said in the paragraph before us? Does the press exercise no check upon such proceedings--is it not well that it should do so?¹⁴⁹ Were they to exercise it only under the censorship of that House: If so what would be done in case the Speaker had done something which was wrong? The same punishment might be awarded by a majority to any man who dared to say so.¹⁵⁰ And which is worse--to enact such scenes, or to recount them? I am humbly of opinion that, if this House is to hold the confidence of the country, it is by our whole proceedings being patent to the world, and by the presence of parties here free to paint to their brightest colours the scenes they witness, and who will not spare the word of censure when they deem it to be deserved. But, Mr. Speaker, even were the writing complained of properly within our censure--I cannot understand how it could be declared to be a breach of our privileges.¹⁵¹ The hon. member for Essex had spoken of the privileges of the House, what were these privileges?¹⁵² What are the privileges of this House? Learned gentlemen have quoted to us precedents of the British House of Commons, as if we could arrogate to ourselves all the privileges which that body raised around it in very different times, for the protection of popular rights against the encroachments of prerogative; and they would have us turn those dangerous precedents to the injury of popular rights. Without discussing how far the privileges of the House of Commons may be extended, on the ground of inherent power, or established precedent--it is my clear conviction that no equal claim can be set up by this House. We sit here by virtue of an Imperial Act of Parliament--no further privilege can we claim than that which is necessary to fulfil the high powers and duties committed to us by that Act.¹⁵³

MR. CAUCHON.--Oh, oh!¹⁵⁴

MR. BROWN: The hon. member for Montmorenci does not agree with me. Well, it is no doubt matter of opinion, but such is my view of our position--I think it a defect in our constitutional system and would gladly see it amended. It is to be hoped that no attempt will be made to act as if we enjoyed the privileges of the British House of Commons--if we should do so, and the intervention of the law courts should be sought, I am very sure it would not and could not be refused. Mr. Speaker, I was astonished to hear the hon. member for Essex say that if the paragraph complained of should be pronounced a breach of our privileges, he would then move that a gentleman whom he names should be pronounced guilty of the offence, and without evidence or inquiry, sentenced for it. Nay, Sir, the gentleman accused is not even to be told of the charge, or allowed to say a word in his own defence! How could the hon. gentleman imagine that this House would entertain for a moment such a proposal? How can he reconcile such a proceeding to his ideas of justice as an English man and a Counsel of the Crown? The hon. gentleman says that English ideas do not apply to this case--that no such libels ever disgrace the English press. The hon. gentleman must have forgotten himself when he made such an assertion. To speak not of the fierce attacks in the weekly press--did the hon. gentleman never read the writings of Junius, or of Herne Tooke, or of Peter Pindar and of crowds of authors in times of less freedom, as well as of the present more happy days?¹⁵⁵ He warned the House against this attempt to put the screws on public opinion,

and try to prevent anything going forth to the public except in one single tone of approbation. He put it to members whether there were not scenes which took place in the House, that if simply reported to the country as they occurred would be far more derogatory to the honour of the House than anything of the foolish scurrility which had appeared in that paragraph?¹⁵⁶ Sir, I do think that the sure way to bring this House into contempt with the public, is by making a great state case of such a paltry matter as this before us--and by showing an unwillingness to have our proceedings fully and freely criticized.¹⁵⁷ Let hon. members believe that the way for the House to be respected by the country was not by making such motions as those; but by letting all parties prove that they might come there and hear all that past and make any remarks they pleased, by way of expressing their opinions.¹⁵⁸ The sound character of our legislation and the decorum with which business is transacted can alone win respect for us in the public mind; if these are wanting--no stretch of privilege can coerce respect; if they exist, no ephemeral writing can effect it. (Hear, hear.) I trust the hon. gentleman will withdraw his resolution.¹⁵⁹

MR. LANGTON considered that what had taken place this day was far more discreditable to the House than anything that was written in the article before them.¹⁶⁰ [He] condemned the character of the article in question¹⁶¹. He complimented the Speaker upon the manner in which he had discharged the duties of his office, although he (Mr. Langton) had voted against his election to it, and ridiculed the idea of proceeding in the matter before them. What, he said, would be thought in England if Parliament took notice of the frequent criticisms that were indulged in, of a far more serious nature than this against public men¹⁶². In England these skits on even the personal appearance of members of the House were of every day occurrence, and yet no one took any notice of it. Sir Chas. Wetherall's display of canvas below his waistcoat used to be matter of daily ridicule. So was Lord Brougham's nose¹⁶³ and numberless other things of the same kind¹⁶⁴. Did members never see Punch, when they complained of these personal remarks.¹⁶⁵

MR. INSP. GEN. HINCKS had felt very much embarrassed as to how he should vote upon this question, but from all that had been said, he thought that there was but one opinion in the House as to the nature of the paragraph alluded to, and he hoped that the general condemnation it had met with would be sufficient to prevent anything of the kind from occurring again.¹⁶⁶ While he thoroughly blamed the paragraph, [he] thought that what had taken place would convince writers for the press that they gained neither influence nor credit by such writings as these.¹⁶⁷ It must also be very gratifying, he said, to the Speaker to find that such general approbation of his conduct in the discharge of his official duties was expressed from all sides of the House. He regretted from the first that the subject had been brought before the House at all, and thought that it would have been more agreeable to the Speaker if it had not been noticed.¹⁶⁸ At the same time he was not prepared to say that this was a breach of the privileges of the House. He had attempted to look through the books, and he acknowledged that he could not find anything that would show the present to be a case that would be considered a breach of privilege in England.¹⁶⁹ He ... thought that after what had passed the motion had better be withdrawn.¹⁷⁰

MR. GAMBLE took the opportunity to pay the highest compliment to the conduct and impartiality of the Speaker during his incumbency of the Chair.¹⁷¹ As one of those who had opposed the election of the speaker, [he] could not allow the present opportunity to pass without adding his testimony to that which had been so generally expressed, as to the able and efficient manner in which that gentleman had discharged the duties of his office, but he could not go with the hon. member for Essex in voting for his motion, as he did not be-

lieve the matter in question to be a breach of the privileges of the House, and he hoped the House would take no more notice of it.¹⁷² He ... believed that voting on it only gave it an undue importance. Breaches of privilege in England were brought for far different subjects.¹⁷³ There had been a time when the House of Commons was compelled to assert its privileges, but it was then contending with utmost despotic power, but now the case was different. (Hear, hear.) To carry out such a resolution as the one now before the House would be an act more worthy of Louis Napoleon than of the Legislature of a free country.¹⁷⁴

MR. AT. GEN. DRUMMOND went shortly into the technical merits of this question¹⁷⁵ and his remarks were to the same effect as those of the last speakers. To define what was really a privilege was a very difficult thing, and was only to be done by the House itself, but he was clearly of opinion that there was no breach of privilege in the article then before them.¹⁷⁶ At the same time, he was not sorry that the matter had been brought up, because it had afforded an opportunity for an expression of opinion which must have been most mortifying to any individual who wished the Speaker ill, since it had led to an unanimous expression of respect for that gentleman from all sides of the House, and it would be well hereafter for the gentlemen of the Press to remember that Canada would not thank them for attacks of this kind upon the character of those who had been selected as the best men in the country to represent the interest of the country.¹⁷⁷

MR. ROSE said the matter had been discussed at greater length than either the character of the paper in question or the writer of the paragraph was entitled to. He (Mr. Rose) should not have spoken, had he not been alluded to. And, he might take the opportunity of saying, that the same writer had made a worse personal upon him last fall. It had been stated that he was seen carrying his brogues to a shoemaker to get them mended before going to a dinner at the Governor's (laughter) while the fact was, that he was in Dundas at the time. But he did not mind that. If he took a pair of shoes to the shoe-maker to get them mended he should honestly pay for them and he should not be ashamed of them. The best way to punish such a writer as that in question was to treat him with the contempt he deserved. With respect to having Reporters present, he believed the public expected them, and that they ought to be allowed great latitude. With respect to the Speaker every body concurred that the attack upon [him] was most unjust, and uncalled for.¹⁷⁸

MR. TURCOTTE considered that though the liberty of the press ought to be encouraged, the license ought to be punished. But he believed the unanimous expression of opinion in the House, in favour of the Hon. Speaker would be quite sufficient to establish the character of the Speaker.--He held however, that the privileges of the House were identical with those of the House of Commons.¹⁷⁹

MR. BADGLEY after expressing an opinion that the House would and ought always to be unanimous in maintaining its principles, but he would be very chary about going beyond the letter of the law of privileges as laid down by the highest court of colonial appeal. That law had been properly laid down also by the hon. Attorney General East, and he thought it would be found that this was a case which fell within the English law of privileges. At the same time he did not pretend then to go into the question, of how far the colonial privileges of the House should extend.¹⁸⁰ [He] took occasion in the course of ... [his] remarks to compliment the Speaker upon the manner in which his duties had always been performed, though ... [he] agreed that in the paragraph reflecting upon the Speaker, [there] was no breach of privilege, as it referred only to his personal appearance and not to his character or conduct.¹⁸¹

MR. INSP. GEN. HINCKS was loudly cheered while he declared that he would maintain precisely the same privileges for the Canadian House, which had been claimed by the House of Commons in England.¹⁸²

MR. STUART preferred the law of the hon. member for Montreal to that of the hon. member for Oxford, however valuable that gentleman's opinion might be, and he thanked God that we had a law that would not permit the rights of the subject to be trampled upon, even by the tyrannical conduct--should the majority be tyrannical--of a majority of that House; if the House wrongfully imprisoned any man thank God there were Courts which would grant such a man his Habeas Corpus.¹⁸³ [He] took occasion in the course of ... [his] remarks to compliment the Speaker upon the manner in which his duties had always been performed, though ... [he] agreed that in the paragraph reflecting upon the Speaker, [there] was no breach of privilege, as it referred only to his personal appearance and not to his character or conduct.¹⁸⁴

MR. CAUCHON after condemning the article in question, declared that he did not believe it to be a breach of privilege. He had been himself grossly abused, and had taken no steps of the kind now before the House though that would not be a reason for his voting against this motion if he thought it well founded. He held too that the Parliament was the highest tribunal in the country and had the right to decide what was contempt and what was not. He concluded by an eulogium on the speaker, and an expression of his regret, for what had been written.¹⁸⁵

MR. MALLOCH (the seconder of the motion) ... [said] some words¹⁸⁶.

COL. PRINCE seeing the opinion of the House asked leave to withdraw his motion¹⁸⁷ though he, by no means, waived his opinion that a breach of privilege had been committed.¹⁸⁸

MR. PROV. SEC. MORIN expressed his opinion, against that generally expressed, that this was a breach of the privileges of this House; but he had no objection to the withdrawal of the motion. Much might be said about the press; he knew not what the press was. He knew no such authority. The press was a power, not an authority, and he would always combat its assertion of any authority competing with that of the House. Nor did he believe that members of that House were to be exposed to these sorts of insults without redress. In the later times of the Roman Empire indeed the Gladiators exclaimed to their master the Emperor Morituri te salutamus; but he was no gladiator of the people and was not disposed to combat before them unless so long as he was allowed to protect himself.¹⁸⁹

The motion being withdrawn, the House proceeded to the order of the day.¹⁹⁰

[ANNOUNCEMENT OF GOVERNMENT INTENTIONS IN THE EVENT OF THE FAILURE OF THE REPRESENTATION BILL.]¹⁹¹

MR. INSP. GEN. HINCKS announced that the Government was prepared with a measure to equalize the present constituencies in case the Representation Bill failed. He stated the outline of the measure, which would be to defranchise the smaller constituencies giving the members thus gained to new Counties. In Upper Canada, Prescott and Russell would be limited, Cornwall, Brockville and Niagara would be thrown into the Counties, and Dundas united to Hamilton. Four members would thus be gained, and divided between new Counties in the West to wit, Perth, Grey, Elgin, and Wellington. In Lower Canada similar arrangements would be made.¹⁹²

FOOTNOTES: 1 MARCH 1853.

1. JOURNAL DE QUEBEC, 3 March 1853.
2. The following papers reported that "ten members were found to be absent": MORNING CHRONICLE, 4 March 1853, PILOT, 8 March 1853, BRITISH WHIG, 11 March 1853, HAMILTON SPECTATOR DAILY, 11 March 1853 (which copied QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1853, and HAMILTON SPECTATOR WEEKLY, 17 March 1853. NORTH AMERICAN WEEKLY, 10 March 1853 (which misdated its account as 2 March 1853), reported that "eight members were absent, but four or five were known to be on their way."
3. The following papers reported the debate on this matter in identical accounts: GLOBE, 12 March 1853, NORTH AMERICAN SEMI-WEEKLY, 15 March 1853, and NORTH AMERICAN WEEKLY, 17 March 1853. The following papers reported the debate in partially identical accounts: MORNING CHRONICLE, 4 March 1853, PILOT, 8 March 1853, BRITISH WHIG, 11 March 1853, HAMILTON SPECTATOR DAILY, 11 March 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1853, and HAMILTON SPECTATOR WEEKLY, 17 March 1853; BRITISH COLONIST, 11 March 1853, and EXAMINER, 16 March 1853. The debate was also reported by LA MINERVE, 8 March 1853. A commentary appeared in NORTH AMERICAN WEEKLY, 10 March 1853.
4. MORNING CHRONICLE, 4 March 1853.
5. IBID.
6. IBID.
7. MORNING CHRONICLE, 4 March 1853. The following papers inserted "not" before "in favor": PILOT, 8 March 1853, BRITISH COLONIST, 11 March 1853, HAMILTON SPECTATOR DAILY, 11 March 1853, GLOBE, 12 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1853, NORTH AMERICAN SEMI-WEEKLY, 15 March 1853, EXAMINER, 16 March 1853, HAMILTON SPECTATOR WEEKLY, 17 March 1853, and NORTH AMERICAN WEEKLY, 17 March 1853.
8. PILOT, 8 March 1853. HAMILTON SPECTATOR DAILY, 11 March 1853, had 70,000 instead of 78,000.
9. MORNING CHRONICLE, 4 March 1853. Mr. Hincks' interjection was reported as "that's all right" by BRITISH COLONIST, 11 March 1853, and as "that's all wrong" by GLOBE, 12 March 1853.
10. MORNING CHRONICLE, 4 March 1853.
11. IBID.
12. GLOBE, 12 March 1853.
13. MORNING CHRONICLE, 4 March 1853.
14. GLOBE, 12 March 1853.
15. MORNING CHRONICLE, 4 March 1853.
16. IBID.
17. GLOBE, 12 March 1853.
18. MORNING CHRONICLE, 4 March 1853.
19. GLOBE, 12 March 1853.
20. MORNING CHRONICLE, 4 March 1853.
21. GLOBE, 12 March 1853.
22. MORNING CHRONICLE, 4 March 1853.
23. GLOBE, 12 March 1853.
24. MORNING CHRONICLE, 4 March 1853.
25. IBID.
26. GLOBE, 12 March 1853.
27. MORNING CHRONICLE, 4 March 1853.
28. IBID.
29. GLOBE, 12 March 1853.
30. MORNING CHRONICLE, 4 March 1853.

31. GLOBE, 12 March 1853.
32. MORNING CHRONICLE, 4 March 1853.
33. GLOBE, 12 March 1853.
34. MORNING CHRONICLE, 4 March 1853.
35. GLOBE, 12 March 1853.
36. MORNING CHRONICLE, 4 March 1853.
37. GLOBE, 12 March 1853.
38. IBID.
39. IBID.
40. MORNING CHRONICLE, 4 March 1853.
41. GLOBE, 12 March 1853.
42. MORNING CHRONICLE, 4 March 1853.
43. GLOBE, 12 March 1853.
44. MORNING CHRONICLE, 4 March 1853.
45. IBID.
46. GLOBE, 12 March 1853.
47. MORNING CHRONICLE, 4 March 1853.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 4 March 1853, PILOT, 8 March 1853, BRITISH COLONIST, 11 March 1853, BRITISH WHIG, 11 March 1853, HAMILTON SPECTATOR DAILY, 11 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1853, and HAMILTON SPECTATOR WEEKLY, 17 March 1853.
54. MORNING CHRONICLE, 4 March 1853.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. The following papers reported this Notice of Motion in identical accounts: GLOBE, 10 March 1853, and JOURNAL DE QUEBEC, 3 March 1853.
62. JOURNAL DE QUEBEC, 3 March 1853.
63. The following papers reported this Notice of Address in identical accounts: GLOBE, 10 March 1853, and JOURNAL DE QUEBEC, 3 March 1853.
64. JOURNAL DE QUEBEC, 3 March 1853.
65. The following papers reported this Notice of Address in identical accounts: GLOBE, 10 March 1853, and JOURNAL DE QUEBEC, 3 March 1853.
66. JOURNAL DE QUEBEC, 3 March 1853.
67. The following papers reported the debate on this Withdrawn Motion in partially identical accounts: MORNING CHRONICLE, 4 March 1853, BRITISH COLONIST, 8, 11 March 1853, PILOT, 8 March 1853, NORTH AMERICAN SEMI-WEEKLY, 15 March 1853, and NORTH AMERICAN WEEKLY, 17 March 1853. The debate was also reported by GLOBE, 10, 12 March 1853. The following papers noted the debate in partially identical accounts: HAMILTON SPECTATOR DAILY, 2 March 1853, GLOBE, 3 March 1853, and NORTH AMERICAN SEMI-WEEKLY, 4 March 1853. The debate was also noted by LA MINERVE, 8 March 1853. BRITISH COLONIST, 11 March 1853, commented as follows on the scene in the House at the opening of the debate: "An intensely ludicrous spectacle was exhibited by the Legislative Assembly, yesterday afternoon....It would require the pen of Mr. Punch to do justice to the scene....As to the House, like the mountain in the line of the ancient poet, it was big with the affair, until

the delivery commenced at the hour of about three of the clock in the afternoon, and lasted until a little after six; and then, oh, bless us! what a 'ridiculous mouse!' I can't say how the parents felt, but I can testify that some of them looked very queer. Previous to the crisis, constitutional law and precedents were overhauled on the one hand; while on the other certain members looked as truculent as that celebrated personage in [the] story, who 'smelled the blood of an Englishman,' or as it happened in this particular case, of an Irishman, and evil seemed to betide the victim. The coming event cast its shadow before, and at the appointed hour all the galleries of the House were crowded. The House itself was unusually full, there having been a 'call of the House' that day. The day was a government day, but that was no matter, questions of Privilege of Parliament, must have precedence....Colonel Prince arose in his place. His rising was the signal for

'Silence deep as death!

And the bravest hold his breath

For a while.'

"The Colonel looked the very impersonation of a man who was going to do a dreadful execution. To use one of his own phrases, he looked little like 'a dancing master.' He had on Hessian boots, white trousers, a rough coat, and a port and bearing all his own. On his desk before him was a large foolscap sheet of notes. He had prepared himself, and certainly, no contemptible scold is the said Colonel Prince."

Commentaries also appeared in the following papers: BRITISH COLONIST, 11 March 1853 (in two separate articles); HAMILTON SPECTATOR DAILY, 10 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1853, and HAMILTON SPECTATOR WEEKLY, 17 March 1853; NORTH AMERICAN WEEKLY, 10 March 1853, and BRITISH WHIG, 12 March 1853 (which copied from NORTH AMERICAN WEEKLY).

68. GLOBE, 10 March 1853.
69. MORNING CHRONICLE, 4 March 1853.
70. GLOBE, 10 March 1853.
71. MORNING CHRONICLE, 4 March 1853.
72. GLOBE, 10 March 1853.
73. MORNING CHRONICLE, 4 March 1853.
74. GLOBE, 10 March 1853.
75. MORNING CHRONICLE, 4 March 1853.
76. GLOBE, 10 March 1853.
77. MORNING CHRONICLE, 4 March 1853.
78. GLOBE, 10 March 1853.
79. MORNING CHRONICLE, 4 March 1853.
80. GLOBE, 10 March 1853.
81. MORNING CHRONICLE, 4 March 1853.
82. GLOBE, 10 March 1853.
83. MORNING CHRONICLE, 4 March 1853.
84. GLOBE, 10 March 1853.
85. MORNING CHRONICLE, 4 March 1853.
86. GLOBE, 10 March 1853. MORNING CHRONICLE, 4 March 1853, gave the ovidian tag as "Didicisse ingenuas fideliter artes emollit mores nec sinit eos esse feros."
87. GLOBE, 10 March 1853. BRITISH COLONIST, 11 March 1853, commented as follows: "The doughty Colonel put a world of contempt, in his pronunciation of the Co. which brought down shouts of laughter. Many a histrionic student would give one of his fore teeth to say that Co., as the hon. and gallant member for Essex did."

88. GLOBE, 10 March 1853.
89. MORNING CHRONICLE, 4 March 1853.
90. GLOBE, 10 March 1853. BRITISH COLONIST, 11 March 1853, commented;
"Here again was the same annihilating contempt of expression as before."
91. GLOBE, 10 March 1853.
92. BRITISH COLONIST, 11 March 1853.
93. MORNING CHRONICLE, 4 March 1853.
94. GLOBE, 10 March 1853.
95. MORNING CHRONICLE, 4 March 1853.
96. GLOBE, 10 March 1853.
97. MORNING CHRONICLE, 4 March 1853.
98. GLOBE, 10 March 1853.
99. MORNING CHRONICLE, 4 March 1853.
100. GLOBE, 10 March 1853.
101. Malcolm Cameron was both President of the Council and Minister of Agriculture.
102. MORNING CHRONICLE, 4 March 1853.
103. GLOBE, 10 March 1853.
104. MORNING CHRONICLE, 4 March 1853.
105. GLOBE, 10 March 1853.
106. MORNING CHRONICLE, 4 March 1853.
107. GLOBE, 10 March 1853.
108. MORNING CHRONICLE, 4 March 1853.
109. GLOBE, 10 March 1853.
110. MORNING CHRONICLE, 4 March 1853.
111. GLOBE, 10 March 1853.
112. MORNING CHRONICLE, 4 March 1853.
113. GLOBE, 10 March 1853.
114. MORNING CHRONICLE, 4 March 1853.
115. GLOBE, 10 March 1853.
116. MORNING CHRONICLE, 4 March 1853.
117. GLOBE, 10 March 1853.
118. MORNING CHRONICLE, 4 March 1853.
119. GLOBE, 10 March 1853.
120. MORNING CHRONICLE, 4 March 1853.
121. GLOBE, 10 March 1853.
122. MORNING CHRONICLE, 4 March 1853.
123. GLOBE, 10 March 1853.
124. MORNING CHRONICLE, 4 March 1853.
125. IBID.
126. IBID.
127. IBID.
128. IBID.
129. GLOBE, 10 March 1853.
130. MORNING CHRONICLE, 4 March 1853.
131. GLOBE, 10 March 1853.
132. MORNING CHRONICLE, 4 March 1853.
133. GLOBE, 10 March 1853.
134. MORNING CHRONICLE, 4 March 1853.
135. GLOBE, 10 March 1853.
136. MORNING CHRONICLE, 4 March 1853.
137. GLOBE, 10 March 1853.
138. MORNING CHRONICLE, 4 March 1853.
139. GLOBE, 10 March 1853.
140. MORNING CHRONICLE, 4 March 1853.
141. GLOBE, 10 March 1853.
142. IBID.

143. MORNING CHRONICLE, 4 March 1853.
144. GLOBE, 10 March 1853.
145. MORNING CHRONICLE, 4 March 1853.
146. GLOBE, 10 March 1853.
147. IBID., 12 March 1853.
148. MORNING CHRONICLE, 4 March 1853.
149. GLOBE, 12 March 1853.
150. MORNING CHRONICLE, 4 March 1853.
151. GLOBE, 12 March 1853.
152. MORNING CHRONICLE, 4 March 1853.
153. GLOBE, 12 March 1853.
154. IBID.
155. IBID.
156. MORNING CHRONICLE, 4 March 1853.
157. GLOBE, 12 March 1853.
158. MORNING CHRONICLE, 4 March 1853.
159. GLOBE, 12 March 1853.
160. IBID.
161. MORNING CHRONICLE, 4 March 1853.
162. GLOBE, 12 March 1853.
163. MORNING CHRONICLE, 4 March 1853.
164. GLOBE, 12 March 1853.
165. MORNING CHRONICLE, 4 March 1853.
166. GLOBE, 12 March 1853.
167. MORNING CHRONICLE, 4 March 1853.
168. GLOBE, 12 March 1853.
169. MORNING CHRONICLE, 4 March 1853.
170. GLOBE, 12 March 1853.
171. MORNING CHRONICLE, 4 March 1853.
172. GLOBE, 12 March 1853.
173. MORNING CHRONICLE, 4 March 1853.
174. GLOBE, 12 March 1853.
175. MORNING CHRONICLE, 4 March 1853. Perceptions of time vary. GLOBE, 12 March 1853, reported that "the Hon. Mr. DRUMMOND spoke at some length of the question of privilege."
176. GLOBE, 12 March 1853.
177. MORNING CHRONICLE, 4 March 1853.
178. IBID.
179. IBID.
180. IBID.
181. GLOBE, 12 March 1853.
182. MORNING CHRONICLE, 4 March 1853.
183. IBID.
184. GLOBE, 12 March 1853. These comments and those of Mr. Badgley (footnote 181 above) are identical. The text of GLOBE, 12 March 1853, reads: "... Mr. Stuart and Mr. Badgley ... took occasion in the course of their remarks to compliment...."
185. MORNING CHRONICLE, 4 March 1853.
186. IBID.
187. IBID.
188. GLOBE, 12 March 1853.
189. MORNING CHRONICLE, 4 March 1853.
190. GLOBE, 12 March 1853.
191. This seems to be an announcement made in the House. It may have been given as part of Mr. Hincks' speech in the debate of 1 March 1853 but

an allusion to it in that speech suggests an earlier time, if not an earlier day.

192. NORTH AMERICAN WEEKLY, 10 March 1853, which commented: "In a party view the Reformers would be sure to gain by such a move. The Tories, therefore, if they are wise, will support the bill for an increase for it makes their case no worse while there is a chance that they may gain by the operation."

WEDNESDAY, 2 MARCH 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Cameron,--The Petition of William Gunn and others, of the County of Bruce.

By Mr. Laurin,--The Petition of Louis C. Lefrançois, Esquire, Registrar of the first division of the County of Montmorency.

By Mr. Crawford,--The Petition of George Sherwood, Esquire, and others, of the Town of Brockville.

Pursuant to the Order of the day, the following Petitions were read:--

Of A.M. Delisle, Esquire, and others, of the City of Montreal; praying for an Act of Incorporation to enable them to construct a Railway from the said City of Montreal to the Town of Bytown, by way of the north-east side of the Mountain, Isle Jésus, St. Andrews, and Grenville.

Of J. Trudel and others, of the Parish of Ste. Geneviève de Batiscan, County of Champlain; praying for the incorporation of a Company to construct a Railway from Quebec to Montreal on the North Shore of the River St. Lawrence, and that the Provincial Guarantee may be extended to the said undertaking.

Of the Reverend J. Morin and others, of the Parish of St. Jacques, County of Huntingdon; of Joseph Marceau and others, of the Parish of St. Luc, County of Chambly; of J. Bissonnette, Esquire, and others, of the Parish of St. Valentin; of the Reverend R. Robert and others, of the Parish of Ste. Marguerite de Blairfindie, County of Chambly; of P.P. Demaray, Esquire, Mayor, and others, of the Town of St. John, County of Chambly; and of Joseph Laurin, Esquire, and others, of that part of the Parish of L'Ancienne Lorette which lies within the County of Quebec; praying amendments to the Representation Bill.

Of the Municipal Council of the United Counties of Middlesex and Elgin;

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praying for the passing of an Act to render valid certain Titles of Lands purchased from the daughters of U.E. Loyalists after their marriage.

Of the Municipal Council of the United Counties of Middlesex and Elgin; praying for certain amendments to the Municipal Corporations Act of Upper Canada.

Of the Municipal Council of the United Counties of Middlesex and Elgin; praying for certain amendments to the Jury Law of Upper Canada.

Of the Municipality of the Township of Durwich; and of the Municipality of the Village of St. Thomas; praying for the passing of an Act to incorporate a Company for the construction of a Railway from the Galt Junction of the Great Western Railway, by a certain route, to Malden on the Detroit River.

Of the Corporation of the College of Ste. Anne de la Pocatière; praying for aid.

Of Charles McFall and others, of the Township of Hillier, County of Prince Edward; praying for the passing of an Act to appoint a Commissioner for the re-survey of the side line of the third concession of the said Township.

Of John Ryan, of the City of Quebec; praying for the restoration of Civil Rights,--for the enregistration of Births, Marriages and Deaths, free from Priestianity,--for the admissibility of Witnesses and Jurors free from Credo or Spiritual Inquisitions,--for the abolition of the Court of Vice-Admiralty,--and that his Mail sureties may be released from their liability on account of his contract.

Ordered, That the Return relative to the Lands situated on the River St. Maurice and its tributaries, together with the Map, which was presented on Thursday the 2nd day of November last, be printed for the use of the Members of this House.

Ordered, That Mr. Terrill have leave to bring in a Bill to incorporate the Stanstead County Bank.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the eighteenth day of March instant.

On motion of Mr. Sanborn, seconded by Mr. Terrill,

Resolved, That this House will immediately resolve itself into a Committee to take into consideration the following Resolutions:--1. That it is expedient to empower the School Commissioners of every School Municipality in Lower Canada, on a Petition presented to them by the majority of Rate-payers in any School District within such Municipality, to assess and cause to be collected of the Rate-payers of such School District, such sum above the proportion rated upon the whole Municipality as shall be required by such Petition, to be applied for the School purposes of such Districts. 2. That to maintain efficient Schools in the newly settled Sections of Lower Canada, it is expedient that the monies received by any Municipality should be distributed equally among the School Districts therein, instead of being apportioned according to the number of Scholars in such Districts.

The House accordingly resolved itself into the said Committee;¹

MR. PROV. SEC. MORIN cordially approving of the first resolution must oppose the second, first because it would destroy [sic] the organization which now existed, and secondly because it would lead to inconvenient subdivision and besides, did not seem to him to be very just in itself.²

MR. TERRILL also opposed the second resolution.³

MESSRS. SICOTTE and PAIGE supported the second as well as the first resolution⁴.

Some further conversation [followed]⁵.

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Johnson reported, That the Committee had come to a Resolution; which was read, as followeth:--

Resolved, That it is expedient to empower the School Commissioners of every School Municipality in Lower Canada, on a Petition presented to them by the majority of Rate-payers in any School District within such Municipality, to assess and cause to be collected of the Rate-payers of such School District, such sum above the proportion rated upon the whole Municipality as shall be required by such Petition, to be applied for the School purposes of such Districts.

Ordered, That Mr. Crawford have leave to bring in a Bill to incorporate the Brockville and Ottawa Railway Company.

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He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Cartier, seconded by the Honorable Mr. Young,

Ordered, That the 64th, 66th, and 74th Rules of this House be suspended, as regards the Bill to provide for the construction of a general Railway Bridge over the River St. Lawrence at or in the vicinity of the City of Montreal.

Mr. Polette moved, seconded by Mr. Dumoulin, and the Question being proposed, That leave be given to bring in a Bill to confirm certain proceedings of the Catholic Inhabitants of the Parish of the Immaculate Conception of the Blessed

*Virgin, at Three Rivers, relative to the property of their Fabrique, to impose and levy an assessment upon the said Inhabitants and for other purposes therein mentioned;*⁶

MR. BROWN said, he, of course, intended to oppose this bill by every legitimate means--but as it might appear discourteous to the hon. member for Three Rivers to object to its receiving the formality of a first reading, ordinarily extended to all bills--he would not divide the House at this stage.⁷

MR. MACKENZIE opposed the bill and did not understand why the member for Kent did not oppose it at the first stage⁸; he could not understand how it was that the pious people of Lower Canada should require to be forced by law to support their religion. As he went up from Quebec last autumn,⁹ he had been very much surprised when he returned to Upper Canada to find the feeling manifested about these bills. They were astonished that the people of Lower Canada were so irreligious that they wanted a bill to enforce the inhabitants of any parish to pay for building the churches.¹⁰ How was it with all the churches in this city; were they built by law? (Cries of yes.) No law was wanted to enable them to hold property; not to build churches, and nothing more than such measures could tend to divide the two sections of the country.¹¹ He thought it wrong that people should be compelled to pay for their churches by law....He should oppose the bill altogether.¹²

MR. POLETTE.--Le député de Haldimand parle de choses qu'il ne connaît pas, qu'il ne comprend pas. Il veut de cette question faire du capital politique pour capter la popularité dans une autre section de la province. Il devrait savoir, puisqu'il veut parler sur le sujet, que la loi pour la construction des églises est presque aussi ancienne que l'établissement du Bas-Canada. S'il l'ignore, il aurait dû se taire et avoir le bon sens de ne point parler de choses qu'il ne connaît pas.¹³

MR. DUMOULIN said that all the churches which the hon. member saw around him, were built according to law. Every one was built at the expense of the people themselves; but in order to act with order, Lower Canadians began by acting according to rule, so that each should pay according to his means.¹⁴

MR. MARCHILDON was not opposed to building churches in his county; no one was more in favor of it than his constituents when the necessity occurred.¹⁵

MR. PRES. EX. COUN. CAMERON.--Did you never see the law under which it is done?¹⁶

MR. MACKENZIE did not know [*sic*] anything of it. He continued to speak at some length in opposition to the bill, and moved that it be read a second time this day six months.¹⁷

MR. PRES. EX. COUN. CAMERON said that the hon. gentleman had spoken very warmly of the feeling in the Upper Province, but if he was influenced by such consideration, he had no business in that House.¹⁸ Les gens qui n'agissent que pour acquérir de la popularité ne devraient pas siéger en cette chambre.¹⁹ The hon. member said that he had aided the cause of the Irish Catholics, but he did so when it was a popular question, and not because it was a matter of principle; if he did so from those principles it was a very pleasant thing when right and popularity went together, but now this gentleman comes here, and without knowing any thing of the matter, endeavours to excite religious feeling.²⁰ In this case it was proper to consider what was fit and proper and consistent with existing rights and the constitution of the country. Was it true to say that the people of Lower Canada had never built churches by law?²¹ Does he not know that ever since the union the people of Lower Canada have had

the right of building their churches by taxation, when the majority agreed in imposing the tax? The hon. gentleman did know this, and he endeavoured to excite feeling against the existing law, and was not that interfering with the religious feelings of the people. He [Mr. M] comes here and says there is no such law; how can he insult the intelligence of Western Canada by making such assertions.²² He (Mr. C.) did not believe it was the duty of men to come down from Upper Canada and take away Lower Canadians' rights which they had since the union, and which were guaranteed to them by the union. When the Lower Canadians wished to ameliorate their institutions, he would readily aid them to carry out the plans, which he conceived himself to be best; but he would not up to that moment interfere with the institutions of the country.²³ He (Mr. Cameron) had been in Upper Canada, and found that every man that he had spoken with on that subject was satisfied that the bill was correct. It had been said that this law did not exist--that it was the invention of Malcolm Cameron; he had been told by many persons that they had understood that there was such a law in the country as he had stated, but they were then told that there was no such thing, and that it was all the invention of Malcolm Cameron.²⁴ He condemned the conduct of men, who he said spread abroad throughout Upper Canada lies and falsehoods²⁵, par exemple,²⁶ stories about the Protestant religion being put down and the Pope being elected to rule in North America,²⁷ et autres faussetés de cette nature propres à exciter les protestants du Haut-Canada²⁸, but when the thing was explained they were perfectly satisfied.²⁹ [He] maintained that if the union was to be preserved the Lower Canadians must be allowed to preserve their institutions. He at any rate would take all the responsibility of acting upon that opinion.³⁰

MR. D. CHRISTIE, of Wentworth, objected to a bill which required the imposition of a tax for the erection of a church.³¹ Though not disposed usually to throw out bills on the first reading except of a remarkable character, [he] seconded Mr. Mackenzie's resolution to throw out this; just because it was a bill of a remarkable character. The bill he conceived was a direct attempt to sanction the principle of church establishments.³² He would always raise his voice against the system of any church establishment.³³ He had no objection whatever to the doctrines of the Catholic Church; but he had a great objection to the state support of any Church.³⁴ [The hon. member] was opposed to the present disposition of the Clergy Reserves of Upper Canada, because they were devoted to the support of church establishment principles.³⁵ It was on this ground that³⁶ il ne pouvait voter pour ce bill qui n'était autre chose qu'une tentative indirecte de faire approuver le principe des dotations ecclésiastiques!³⁷ He could never agree to supporting an opposite principle in his place as a legislator. If the people wanted to give this money, they did not want law to compel them.³⁸

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Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Christie of Wentworth, That the word "not" be inserted after the word "be;"

MR. MURNEY asked what principle was involved in this bill? It was merely to enable the people whom it concerned to carry out the existing law of the land.³⁹ [He] liked the principle that all should pay willingly or unwillingly towards the construction of Churches, instead of a comparatively few being, as at present, compelled to pay for them⁴⁰. It was frequently the case that in a parish in Upper Canada, the church had to be built by the poorer and smaller portion of the congregation, while a great portion of the richer people would never contribute a shilling.⁴¹ There was no principle involved in this matter, and he did not believe at all in the scruples⁴² de conscience⁴³ of hon. gentlemen opposite⁴⁴ qui s'opposent à la réception de ce bill.⁴⁵ He saw no liberality

or conscientiousness in the principles enunciated by the members for Haldimand and Kent, who were brought up in a particular school and had imbibed a set of principles peculiar to themselves, and opposed to those of every one else.⁴⁶ On the contrary, he believed that the whole opposition was intended for nothing else than to promote their own political advancement, or at best to gratify feelings nourished in the school to which they belonged--a school which had no liberality and no generosity.⁴⁷ For his own part, he approved of this bill. When the people ask to have their laws altered, let us assist them: but so long as they only ask to carry it out, let them do so.⁴⁸

MR. TURCOTTE explained the meaning of the bill⁴⁹. [He] said there was in Lower Canada at present a law to tax people for building Churches; well the whole demand now made arose from this, that the newly appointed Bishop of Three Rivers told the people of that parish that as the Cathedral would cost £8,000, if they would be taxed for £6,000 in his favour he would bind himself to find the rest by contributions raised through the District. That was the whole affair; but this haste to throw out the bill would teach the people of Lower Canada, who were their real friends in Upper Canada.⁵⁰ The Clergy Reserves, he said, were not disposed of yet⁵¹ and perhaps they might not be settled so as to please the hon. members⁵², MM. Christie de Wentworth et Brown.⁵³

MR. LANGTON could not understand how it was that the hon. member for Wentworth, who was so unswervingly consistent, could reconcile himself with continuing in Parliament without attempting to⁵⁴ bring in a bill to do away with the existing law at once⁵⁵ since he would not allow it to be the least modified, so as to admit of its being rendered available.⁵⁶ He agreed with him in favor of the voluntary principle so far as he and his own church were concerned⁵⁷ [and] would resolutely oppose any law like this⁵⁸. He did not wish to force his principles down the throats of other people⁵⁹ who had different views.⁶⁰ Why do not the members who feel so strongly on this subject, bring in a bill to do away with all these old laws at once, instead of fighting the battle over and over again every day.⁶¹

MR. R. CHRISTIE de Gaspé⁶² condemned his extraordinary attempt to throw out a bill on the first reading.⁶³ Il fait encore une fois la leçon aux braillards pharisaïques.⁶⁴

MR. FERGUSSON saw at once from the title of the bill that it was of a most objectionable nature and therefore would vote against it on the first reading to save time. It was said [sic] that the people of Upper Canada wanted to change the laws of Lower Canada. This was not the case; the change was asked for by some of the Lower Canadians themselves not by the Upper Canadians.⁶⁵

MR. INSP. GEN. HINCKS was anxious for the fullest informa[tion] to go before the country on this subject [sic]. He⁶⁶ could understand why⁶⁷ hon. gentlemen opposite⁶⁸ were conscientiously opposed to the principle of taxing for the building of churches, but⁶⁹ he could not understand why, if they were, they did not⁷⁰ bring in a bill to repeal the laws existing on the subject. There was no principle involved in this bill, it was merely to say whether they should build a cathedral or a parish church⁷¹. At present⁷², the law allowed [that]⁷³ the people could be taxed⁷⁴ to build a parish church but did not mention a cathedral and the people having agreed upon building the latter required the necessary authority. It was no new principle that was involved.⁷⁵

MR. STREET said the law of Lower Canada admitted of the inhabitants of the Parish meeting together and taxing themselves for a Parish Church. This they had done at Three Rivers; but an application for a slight modification was made by another party and was agreed to and all that was asked was that this should be confirmed.⁷⁶

DR. LATERRIERE said this opposition was tolerance pushed to an execrable point of intolerance.⁷⁷

MR. BROWN had not intended to raise any objection to the formality of a first reading being extended to this bill, but it was one thing to allow a bill to pass without objection as an ordinary act of courtesy, and another to record a vote in favour of a bill, when a division was insisted upon. He trusted therefore the hon. member for Three Rivers would understand that in voting against the first reading, no discourtesy was intended toward him. It was perhaps to be regretted that the discussion on the bill, had not been deferred for the second reading, but as it had been brought on he desired to express his astonishment at the sentiments enunciated by some hon. members. He was not certainly astonished to hear the hon. gentleman from Hastings support the bill, and laud the principle of taxation for church purposes;⁷⁸ the hon. member ... had always been in favour of compulsory church building⁷⁹ [and] he had always been a high-church-and-state man, and would, no doubt, like to en-throne the Church of England in Canada, with tithes and taxes, precisely as the Church of Rome stood dominant in Lower Canada. The hon. member for Peterboro', too, was hardly consistent in avowing himself a voluntary in Upper Canada, and a state-church man in Lower Canada. He says the feelings and prejudices of the people of Lower Canada must be respected, and he says if we refuse to pass this addition to the church laws of Lower Canada why do we not go further and abolish the laws themselves--why are our consciences alive only to acts of commission, and dead to those of omission? For my part, sir, continued Mr. Brown, I cannot understand this doctrine of a representative having one conscience and principle of action for one part of the country and another for a different part. I came here to vote on all and every proposition on the one ground of truth and justice as far as my judgment serves me--and I gladly respond to the proposition of the hon. gentleman as to the impossibility of separating between acts of omission and acts of commission. I shall be sincerely glad when I and those who think with me can effect any good result, by forsaking the defensive and carrying the war into the enemy's camp by the abolition of tithes, and every species of ecclesiastical legislation for Lower as well as Upper Canada. I do not conceal my views on this head. The hon. gentleman will, however, readily perceive that it is one thing to leave the institutions of Lower Canada as they were found at the union, but a much worse thing on the part of U. Canadians to vote for the extension of an admitted evil in those institutions. But, Mr. Speaker, if I was surprised at the language of the gentleman I have named, I was utterly astonished at what fell from the hon. Inspector General, and the President of the Executive Council. I have said of the President of the Council--but in truth the time has passed when anything different was to be expected from that functionary; and his constant use of such words as "lie" and "falsehood"⁸⁰, when that gentleman daily rose in the House⁸¹, hardly entitle him to notice at the hands of any one. I do think, Sir, that if the hon. gentleman has no feeling of self-respect--no regard to the credit of his constituents--and no idea of what is due to the dignity of this House⁸², that if respect for himself did not restrain him from such attacks on the character of his associates⁸³, he might at least have some respect for the commission he holds from her Majesty, and endeavour to avoid the use of language disgraceful [sic] even in the purlieus of vice. But the hon. members for Oxford and Huron tell us that we of Upper Canada have nothing to do with the right or wrong of this bill--that taxes have been heretofore imposed for building churches in Lower Canada, and taxes must continue to be imposed. The hon. member for Oxford says he is ready to vote for anything the majority of the people want--and the member for Huron says, it is oppression and persecution to refuse the imposition of this tax! Aye, he says it is interfering with the religious rights of the people! What, Sir!

are we to have no judgment in Lower Canada matters? Are we merely to bow our heads to the dicta of our Lower Canada colleagues? Are we to aid in fastening on the Protestants of Lower Canada, the incubus [sic] of a Roman Catholic establishment--which we would resist to the last among ourselves? I would like these hon. gentlemen to go to their constituents in Oxford and Huron, and preach to them such doctrines. What is the use of a union of the Provinces, if such principles are to guide our proceedings. Are we to stand still so far as Lower Canada is concerned? Is the condition of things at the union down here to be the standard of perfection, beyond which our legislation must not advance?⁸⁴ Was there to be ... no progress?⁸⁵ For my part, Sir, I repudiate such doctrine--the two provinces are indissolubly bound together, what affects the one must affect the other, what is good for Upper Canada cannot be bad for Lower Canada--and the sooner our institutions are assimilated, the sooner will our feelings and prejudices be harmonized. But, we are told, this Bill is no advance on the existing system of the country. This is quite incorrect. It is true, (I was lately astonished to learn) that the Roman Catholic priests of Lower Canada may summon a meeting of their people, and on obtaining a majority vote, can obtain the imposition of a tax on their whole flock for the building or repairing of the Parish Church.⁸⁶ It was said that this was no advance on the law; but that was not the case, for the present bill took the building out of the hands of the people and gave it to the Clergy--a thing that was not the case in any part of America, nor even in the most Priest ridden countries of Europe.⁸⁷ To this system large numbers of the people are opposed, and even the moral terrors of the Church are insufficient to prevent open complaint against it--as well as against the tithe--by many adherents of the Papal Church. In the case of Three Rivers, a meeting was called, opposition made to the proposal and a formal protest by forty of the tax-payers entered against it. They object first, on the ground that the tax is unequally imposed; second, that the Bill before us proposes to wrest from the public the title to the church property, and vest it in the Bishop, and third, on the ground that they do not want the tax at all. Why should these people be compelled to build a Cathedral against their will? Why should any one be so compelled? and I have reason to believe that though only 40 have petitioned, many more would have joined in the protest had they dared to offend the priest. The hon. member for Huron says, if we refuse to pass this Bill, it will be persecution, it will be interfering with religious liberty! Who wishes to interfere with any one's liberty? If these people wish to pay for this church, who seeks to hinder them?⁸⁸ Did any one desire to prevent any one else from giving his money as he pleased? No⁸⁹. We want not to prevent the church being built, we want not to keep the people from paying their money--but we do say that they should not be compelled to build it; that the law ought not to meddle in any such matter. No closer connection can exist between Church and State, than the imposition of taxes by the one for the support of the other; it places the legislator in the room of God, as determining for the subject, what is truth--and the principle once acknowledged there is no check upon it, except the discretion of the legislator. If we have the power to tax Roman Catholics for building churches we have it for paying priests or any other ecclesiastical purpose; if we can make them pay, with their consent we can, as in this instance, make them pay against their will, if we can tax them for five thousand pounds, we can do so for fifty thousand; if we can tax Roman Catholics, so we can Methodists or Presbyterians or Episcopalians; if we can tax either of them for their own purposes, we can tax all of them for the purposes of one. There is no restriction whatever, but the discretion of the magistrate, if you once admit the principle; and there is no safety short of denying the right of the Legislature to meddle in such matters. If the hon. gentlemen would but look abroad over the world and mark the evil, the injustice, the misery which this state-church principle had entailed in every country where

it has found a footing--aye, if they would but recall the strife and discord it has caused in Upper Canada during the last thirty years; surely patriotism alone would lead them to strive for the removal of every vestige of this system from the institutions of a country diversified, as this is, in its religious sentiments. No man can doubt that if religious discord had been added to their other differences in the United States, that the union would have been rent asunder long ere this day--and that it is only by the entire separation of Church and State that religious dissensions have been avoided. The hon. member for Saint Maurice holds out to us the threat that if this Bill is opposed, the French Canadian members will oppose the settlement we desire of the Clergy Reserve question. Sir I can tell the hon. gentleman that such threats will make no difference on my vote, nor, I trust, on that of one who thinks with me. I trust we⁹⁰, Upper Canadians⁹¹, shall ever give our votes conscientiously, and that our colleagues from the Eastern Province will do the same, uninfluenced by the spirit which the hon. gentleman would indicate. The Lower Canada members have undoubtedly the fate of that great question in their hands--and I ask them not to give a vote on it which they could not justify as right. Let them, however, consider that as they are strong, so they should be merciful--and that the day is not far distant when their domination will be overthrown.⁹²

MR. CAUCHON made some observation which we did not catch.⁹³

MR. BROWN.--The hon. member for Montmorenci thinks we could retaliate if we had the power. He is mistaken. When the day comes, as assuredly it will come, when the influence of Upper Canada will predominate in the united legislature, the hon. gentleman may find the principles of the anti-state churchmen of Upper Canada the best help against oppression. We seek to interfere with no man's religious opinions, with the free exercise of no religious right--the full extent of our demand is that the law shall know no man in his sectarian character; that the law shall not meddle with religious matters: but that every man shall worship his maker as his conscience dictates without any constraint of law. We think religion too sacred a matter for politicians to preside over.⁹⁴

MR. CARTIER said that the parishioners of Three Rivers were bound to assess themselves for a parish church which would cost them £8,000. Three Rivers had, however, been set apart as a new diocese, and the bishop came and offered to make use of the parochial church they were going to build as his cathedral, and that they should only be called upon for £5,000, and should make the property over to him. This offer the people gladly accepted, as by it they would only have to pay £5,000 instead [of] £8,000, and have the cathedral in their parish, and make use of it as their parish church.⁹⁵ [If] Mr. Brown desired to come to the rescue of the Lower Canadians, he ought certainly not to oppose an arrangement so much to the advantage of those of Three Rivers.⁹⁶

MR. HARTMAN did not like to oppose any bill at the first reading⁹⁷ if for no other reason than the discourtesy of that course⁹⁸, nor did he like the principle of this bill⁹⁹. He also supported Mr. Cameron's statement of the false representations made in Upper Canada. He should therefore vote for the first reading of the bill¹⁰⁰ as it was merely carrying out the law of the land¹⁰¹; but did not pledge himself to do so hereafter, and certainly would not if it in any way supported or extended the principle of state interference for religions. He could not, however¹⁰², vote for the amendment of the member for Haldimand¹⁰³, [and] throw out the bill at once¹⁰⁴ for that would simply amount to saying that we¹⁰⁵ deny the right of the people of Lower Canada to¹⁰⁶ vote for what they want.¹⁰⁷ He knew that those who opposed the bill did not do it for the purpose of restraining the exercise of the Catholic religion, and he was sorry to separate from them on this occasion. But he could not bring him-

self to force his voluntaryism on his Catholic friends of Lower Canada, so long as they did not interfere with Protestants--so long as they did not interfere with the people of Upper Canada.¹⁰⁸ If the people of Lower Canada are satisfied with their institutions, why should they not have the benefit of them. As for the threat made use of by the member for St. Maurice¹⁰⁹, [alluding] to the Clergy Reserves¹¹⁰, they [sic] would have very little effect upon him¹¹¹ and he was sorry the gentleman should have made it.¹¹² He had more confidence in the people of Lower Canada than to suppose they would put them [sic] into execution.¹¹³

MR. TURCOTTE said he did not hold it out as a threat but as a warning.¹¹⁴

MR. PROV. SEC. MORIN said that there was this great difference between the member for Kent and himself:--that he wished to protect all alike, and let all enjoy their own feelings and institutions, but the member for Kent wished all to have his feelings and principles. It appears that there is a¹¹⁵ sect called unsectarian, which was the most intolerant of all sects, because it would allow of no sect but its own sect¹¹⁶, and he should not like to belong to ... [it].¹¹⁷ He then went on to contend that the people of Lower Canada must and ought to be allowed to do as they themselves pleased in these matters, and especially to maintain institutions, which had worked well for two hundred years without hindrance from this sect. Like other members who had preceded him he went on to show that the present bill made no change in the principle of the existing law; but only modified it to a certain extent to adopt it to a peculiar state of things.¹¹⁸

COL. PRINCE made some observations in favour of the bill, but without putting forward anything in addition to what had been already said.¹¹⁹

MR. LEBLANC followed on the same side; but in a voice of which scarcely a word reached the gallery.¹²⁰

MR. AT. GEN. RICHARDS understood the principle of the bill was to enable this parish to make arrangements to get a church for £5000 instead of £8000. The hon. member for Kent had praised the harmony of the United States; but it did not arise in all cases from the cause which the hon. member had alluded to. Here the hon. member read from the last edition of the Statutes of Massachusetts, showing that in that state taxes for the maintenance of public worship were assessed by municipal authority and lieved [sic] upon all the property of the townships like all other municipal taxes.¹²¹

MR. BADGLEY ... [parle] aussi en faveur du bill¹²².

(538)

And the Question being put, That that word be there inserted; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Christie of WENTWORTH, Fergusson, Mackenzie, White, and Wright of East Riding of YORK.--(6.)

NAYS.

Messieurs Badgley, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Attorney General Drummond, Dubord, Dumoulin, Egan, Fortier, Fournier, Gouin, Hartman, Hincks, Lacoste, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Marchildon, Mattice, McDougall, McLachlin, Merritt, Mongenais, Morin, Morrison, Murney, Paige, Polette, Poulin, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Shaw, Sicotte, Smith of DURHAM, Stevenson, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, Willson, Wright of West Riding of YORK, and Young.--(57.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That Mr. Polette have leave to bring in a Bill to confirm certain proceedings of the Catholic Inhabitants of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers, relative to the property of their Fabrique, to impose and levy an assessment upon the said Inhabitants, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. Stuart have leave to bring in a Bill to amend the Act of Incorporation of the British North American Electric Telegraph Association.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That Mr. Terrill have leave to bring in a Bill to incorporate "The Stanstead, Shefford and Chambly Railroad Company."

(539)

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the eighteenth day of March instant.

The Order of the day for the House in Committee on the Bill to modify the Usury Laws, being read;

Ordered, That the said Order of the day be postponed until To-morrow, and be then the first Order of the day.

*The Order of the day being read, for resuming the adjourned Debate upon the Question which was yesterday proposed, That the Bill to enlarge the Representation of the People of this Province in Parliament, be now read a second time;*¹²³

*A conversation ensued on the propriety of farther postponing the debate, on a motion of MR. BADGLEY, which was ultimately withdrawn.*¹²⁴

(539)

And the Question being again proposed:--The House resumed the said adjourned Debate.

MR. BROWN said, the question before the House was one of vast importance and it must be admitted that no other subject was beset with equal difficulties. The separate interests of localities were deeply concerned in a new arrangement of the representation--the great political parties would gain or suffer by its conditions--and to add to the difficulty, a two-third vote of both Houses was by the provision of the union act necessary to legislation. Hon. gentlemen were all aware that several attempts had been made in past years, to reform the inequality which existed in the numerical strength of the constituencies, and to increase the number of representatives. In 1849, the Baldwin-Lafontaine Government introduced a bill to secure those ends; but they failed to obtain two-thirds of the house, there being only 55 votes for the Bill, when 56 were necessary. In 1850, they tried it again, but 51 only were recorded for the measure. In 1851, a third attempt was made, but with the same unsucces--the yeas being 55. The grand obstacle in the way of the measure was the principle on which it was founded. A large section of the House contended that the only true basis of representation was population, and they refused to vote for any measure which did not proceed on that principle--without regard to a separating line between Upper and Lower Canada. Among those who took this ground were the Hon. Solicitor General East, (Mr. Chauveau), and the House President of the Executive Council, (Mr. Cameron)¹²⁵ who had formerly moved amendments in favour

of population when a similar bill to that of the government was before under consideration¹²⁶. It must excite astonishment to find these gentlemen in office forsaking the principle they advocated so stoutly out of office--(hear, hear)--especially since the injustice they complained of is much worse now than it was then--by the rapid increase of population in Upper Canada over Lower Canada. And they were not alone in the ground they took. The ultra radical party in Upper Canada eagerly seized it as a topic of agitation--"Representation by population" was incised [*sic*] among the planks of their platform--and Messrs. Baldwin and Price were denounced for legislating on any other principle as traitors to Upper Canada. Four years have passed away; the population of Upper Canada, then inferior as regards members to that of Lower Canada, has now gone beyond it and is fast leaving it in the distance; the hon. member for Huron and the platform gentlemen are in power;--yet here we have them asking us to accept a bill in direct opposition to their own doctrines, founded on precisely the same principles as the one they formerly denounced! The late administration had some justification for their course--the present ministry have none. When the bill of the late Cabinet was first brought in, the population of Lower Canada was supposed to exceed that of the Upper Province, but the representatives of the former were not inclined to demand the acknowledgment of a principle which might yield truly a present temporary advantage--but which at no distant day must place the influence of Upper Canada permanently in the ascendant. And even when the population of Upper Canada rose to the point of equality, it was hardly fair in us to demand an immediate change of the system of equal representation. The Lower Canadians said with some force that they had yielded us equality when our numbers were much less, and¹²⁷ that she had joined the union when her population was greater than that of Upper Canada, and that it was only fair when the population of Upper Canada became greater, that as a quid pro quo she should now receive the same advantage that she formerly gave.¹²⁸ I freely admit the justice of this argument, as applied to legislation in 1849 or 1850--but it has no force when now applied to a bill framed for [the] next general election. The quid pro quo has been fully rendered--for three years the population of Upper Canada has exceeded that of the Lower Province; three years have to elapse ere the present Parliament expires and the new arrangements will take effect; and by that time Lower Canada will have had more than compensation for her past years of inequality. In January, 1852, the census of both Provinces was taken, when it appeared that the population of the Western Section was 952,004, and that of the Eastern Section 890,261--or an excess in the former over the latter of 61,742 [*sic*]. A comparison with the previous census would show that Upper Canada was progressing at a rate that doubled her population in ten years, while Lower Canada only doubled in twenty-five years. Now, supposing the same rates of progression to continue--and there was no reason to doubt that they would--in the winter of 1855-6, when this bill will come into operation, the numerical strength of Lower Canada would be 1,038,591, and that of Upper Canada 1,332,804--(hear, hear)--or a preponderance in Upper Canada of 294,213. Upon the ratio of representation adopted by the Government--one member to 15,000 people--Lower Canada would at next general election be thus entitled to 69 representatives in the House of Assembly, and Upper Canada to 89--or a difference of 20 members. (Hear, hear.) And this inequality would exist at the opening of the next Parliament--every day it continued would make the injustice the greater to Upper Canada. But hon. gentlemen may say that though Upper Canada has doubled in the past, every ten years, it will not do so now that it has grown so large. I think they are wrong in this¹²⁹--Upper Canada would have had a larger population for a greater number of years since the union when the present bill would come into effect.¹³⁰ But even were it so, that the numbers added to the population--not the ratio of increase--should be no more in coming years than in past years, the figures

will show that Lower Canada has no ground of complaint with our now adopting population as our basis. The census of Lower Canada was--in 1836, 572,827; in 1844, 690,782; in 1848, 770,000; and in 1852, 890,262. In 1842, the census of Upper Canada was 486,055; in 1848, 723,292; and in 1852, 952,004. Distributing the increase between these several periods equally among the intervening years, the relative population would stand thus:--

| | L.C. Pop. | U.C. Pop. | L.C. Excess | U.C. Ex. |
|-------|-----------|-----------|-------------|---------------|
| 1842, | 661,294 | 486,055 | 175,239 | |
| 1843, | 676,038 | 525,594 | 150,444 | |
| 1844, | 690,782 | 565,133 | 125,649 | |
| 1845, | 710,586 | 604,672 | 105,914 | |
| 1846, | 730,390 | 644,211 | 86,179 | |
| 1847, | 750,194 | 683,750 | 66,444 | |
| 1848, | 770,000 | 723,292 | 46,708 | |
| 1849, | 800,065 | 780,470 | 19,595 | |
| 1850, | 830,130 | 837,648 | | 7,518 |
| 1851, | 860,195 | 894,826 | | 34,631 |
| 1852, | 890,261 | 952,004 | | 61,743 |
| 1853, | 920,326 | 1,009,182 | | 88,856 |
| 1854, | 950,391 | 1,066,360 | | 105,969 [sic] |
| 1855, | 980,456 | 1,123,538 | | 143,082 |
| 1856, | 1,010,521 | 1,180,716 | | 170,195 |

This is a most unfavourable view for Upper Canada, and yet it shows that at next general election all the disadvantage that Lower Canada ever laboured under, will have been more than made up to her. Population is the only true basis of Parliamentary representation,¹³¹ without regard to any boundary line¹³², and I cannot understand how we can be asked, in the face of the facts I have shown, to pass a bill for future years giving one portion of our people larger representation than another portion, just because they live in a different part of the country. If the union of the Provinces is to work harmoniously and efficiently, it can only be by abolishing this injurious distinction between the two sections and treating us all as one people. Another view that may be taken of this question of representation, is the amount of taxation paid by the two sections of the Province. In 1851, the amount of Customs-duties paid at the Lake Ports of Upper Canada--on goods which must of course have all been for consumption there--was two hundred and fifty seven thousand pounds; and the duties at the seaports of the St. Lawrence were about £480,000. I have taken some pains to inquire of merchants in Montreal and Québec, what proportion of the goods sold in these two cities go to Upper Canada, and I have invariably been informed from two-thirds to three-fourths. Now, Sir, if we say that one half of the Lower Canada sales are to Upper Canada, it will appear that in 1851 the people of the western section paid two-thirds of the whole revenue¹³³, and that in greater proportion than the difference of population.¹³⁴ (Hear, hear.) Is it fair then that they should be asked to accept a lower scale of representation in the legislature than the people of Lower Canada? I for one do not think it is--and I shall take the sense of the House on an amendment I have prepared, placing the matter on the only right basis. I shall move that all after the word "that" in the motion now before the chair be struck out and the following words substituted:--

"Resolved, That the Representation of the people in Parliament should be based upon population, and the number of members of the House of Assembly gradually enlarged, with the progressive increase of population, upon a fixed ratio of Representation, and without regard to any separating line between Upper and Lower Canada."

Should this amendment carry, of course the bill before the House must be totally altered. But should it be thrown out--as I have little doubt will be

the case, I will feel it my duty to vote for the bill as it stands, as a choice of evils. The amendment will have placed on record what I conceive to be the only just principle to go upon, and on the ministry must rest the responsibility of doing so great an injustice to Upper Canada. I confess, sir, I was glad to hear the declaration of the Inspector General that if he failed to carry through his bill by a two-third vote--he would drop it, and introduce a measure retaining the number of members at 84, but re-distributing them among the constituencies. That announcement was creditable to the administration and will give general satisfaction in the Upper Province. But why was it not accompanied with another declaration--that in such case he would move an address to the Home Government, praying the repeal of the clause of the Union Act requiring a two-third vote?¹³⁵ He believed the government ought to endeavor to procure a change in the union act, so as to allow a change in the representation by a majority of the House.¹³⁶ I did expect such a declaration and I hope it may yet be made; should it not, I will feel it my duty to bring the matter before the House on an early day.¹³⁷

MR. LANGTON seconded the amendment.¹³⁸

(539)

Mr. Brown¹³⁹ moved in amendment to the Question, seconded by Mr. Langton, That all the words after "That" to the end of the Question be left out, in order to add the words "the Representation of the People in Parliament should be based upon Population, and the number of Members of the House of Assembly gradually enlarged with the progressive increase of Population upon a fixed ratio of Representation, and without regard to any separating line between Upper and Lower Canada" instead thereof;

MR. INSP. GEN. HINCKS said--the hon. member who has moved this amendment has stated that he has no idea that it will be carried, yet he puts the motion either entirely to defeat the bill, because if his motion be carried it would be fatal to the bill as the Administration would at once abandon it--or else to gain credit for himself at the expense of other members from Upper Canada, who, although they approved of the principle of the amendment, could not take the same view of it that he did. The hon. gentleman ought to know that the first thing to be considered in matters of this kind is not what is most desirable, but what is practicable to carry.¹⁴⁰ In passing reforms it was always necessary to consider if they were practicable, and members of a party necessarily had to give up some points of difference in order to allow the government to be carried on.¹⁴¹ If every member of a party were to set up his particular views, the result would be that it would be totally impossible to carry anything. This was not the course taken in England when the Reform Bill was carried. All classes of the Reform party joined cordially in support of it though much difference of opinion doubtless prevailed as to the details of the measure.¹⁴² Mr. Hincks said the object of the amendment was very obvious. It was to make popularity.¹⁴³ He was aware that the views expressed in the resolution were popular among the people¹⁴⁴ in some parts¹⁴⁵ of Upper Canada, but they were entirely opposed to those of the people of Lower Canada, and therefore the Administration enjoying, as he hoped it did, the confidence of the people of that portion of the Province, could not submit to the passage of that resolution. It was evidently intended to advance the repeal of the union, and he (Mr. H.) for one was not afraid to assert that were he a Lower Canadian he would never submit to such a proposition, and there was no step--no step, he emphatically repeated--that he would not take to defeat it. He (Mr. Hincks) was not surprised at the feelings of the Lower Canadians on this matter, for it was no ordinary state of things; it was not merely two sections of the same people that were united together in one, and sending representatives to the House, but here are two nations uniting together, different in language,

manners, customs, laws, and institutions, and the moment you destroy the principle of this bill, you destroy the basis of the union.¹⁴⁶ The basis of the union was equal representation, and it could not exist on any other principle.¹⁴⁷ The time may come when it will be expedient on account of the great increase of Upper Canada to say that the union must be destroyed,¹⁴⁸ when the interests of the two sections of the Province would become so dissimilar as to render a dissolution necessary.¹⁴⁹ God forbid that ... time may come when the people of Upper Canada will no longer consent to a union on those terms, but there is no necessity for such a state of things now, and he (Mr. Hincks) thought it a most ingenuous thing that¹⁵⁰, after the first census which had been taken, which shewed that¹⁵¹ Upper Canada had a small majority in its population over Lower Canada, to endeavour to pass such a resolution as this¹⁵² [and] demand a change of the representation.¹⁵³ By carrying such a measure as this, you may, he said, render government impossible--you may put things in Upper Canada in such a state that no constituency will elect a man unless he held the views expressed in that resolution, but you will never be able to form a government on such principles. He knew the people of Lower Canada would never consent to such a proposition, and that it was utterly impossible for any government to carry it out. The object aimed at by this resolution must either be to defeat the bill altogether or else to gain popularity in Upper Canada, at the expense of those who are willing to support the bill, and he would just remark that he did not find that in any great measure of reform in other countries that different members brought in their own particular schemes. It was not so in the English Reform Bill; then all sections of the liberal party agreed to carrying it out, however much they may have disapproved of particular portions of the measure.¹⁵⁴

MR. MURNEY was one of those who opposed the Union--voted against it in all its stages, and did everything in his power to prevent its being carried into effect--and one of the principal grounds on which he opposed it, was its injustice to Lower Canada, in giving her fewer representatives than by her population she was entitled to, and he now wished to accord to the people of Upper Canada¹⁵⁵ now that Upper Canada had the larger population,¹⁵⁶ what he was then willing to give to Lower Canada; representation according to population. It was a monstrous doctrine to say that by and by, Upper Canada containing two or three hundred thousand inhabitants more than Lower Canada should be limited to the same number of representatives. He hoped that Lower Canada would increase in the same ratio with Upper Canada, and then she would have no reason to complain. Let all her interests be represented as the interests of the whole province, for unless her interests were identical with those of Upper Canada, the Union could not be carried out; the interests of one section only cannot be carried out without advancing those of the other. It was a very strange thing that he and the member for Kent, should agree upon any subject, but they certainly did upon this. He strongly objected to the extraordinary amalgamation of towns,--did any one mean to say that local interests would not be found far stronger than any general interest. If the member for Kent were to go from Galt to the people of Port Sarnia, they would say to him you look too much like Galt for us, and if he was then to go to Goderich, the people of that place would tell him, that he looked too much like Port Sarnia, and so on--for the interests of these towns, especially the ports, were so directly opposite that no man would sit twice for them. Reference was made to Scotland to show the good working of this system, but in the old country it was different, local interests had there been settled long ago, but it was not so in this rising country, and among all the towns proposed to be united, there was a strong feeling of opposition. If a public man wishes to continue to represent his constituency and to retain the confidence of his constituents, he must represent

their local and particular feelings. The Inspector General said that these principles can never be carried out, but he (Mr. Murney) would tell the members from Lower Canada that they would have nothing to fear¹⁵⁷ from the preponderance of Upper Canadian members¹⁵⁸. They would only have to keep away those illiberal feelings that had been exhibited this evening--and he begged to assure them that the feelings they had just shown with regard to their institutions, were not those of the people of Upper Canada generally. What was it that had governed Upper Canada¹⁵⁹ since the union¹⁶⁰ but the united influence of a part of the Upper Canadian representatives aided by Lower Canada.¹⁶¹

MR. INSP. GEN. HINCKS.--No, no.¹⁶²

MR. MURNEY.--Who is it that carries all your great questions--Clergy Reserves--Rectories--Representation bills, and all the rest of them, is it Upper Canadian influence--no, it is by the influence of Lower Canada.¹⁶³

MR. INSP. GEN. HINCKS.--No, never.¹⁶⁴

MR. MURNEY.--These questions locally affecting Upper Canada, have been carried by the influence of Lower Canada ever since the Union. But the Inspector General has expounded another and very extraordinary doctrine for a responsible government to hold, he says that if the representation is based on population you cannot carry on the Government.¹⁶⁵

MR. INSP. GEN. HINCKS said, that he did not say so, he said that it would be impossible to carry on the Government on the proposition of the hon. member for Kent.¹⁶⁶

MR. MURNEY.--If responsible government means anything, it means governing according to the will of the majority.¹⁶⁷

MR. CARTIER was surprised that the member for Kent, if he meant to carry out the bill, should have introduced the resolution. That hon. gentleman said that the bill was based only on expediency and not on principle, but he forgot the basis of the Union Act. Since the liberal concessions of the mother country we have been rendered almost entirely independent and we have to carry on a federal government; and to show the principle on which that must be done he would refer to the Government of the United States and to the American Congress. Is that based on the principle of representation on population; no, let the small states send two members to Congress as well as the larger ones¹⁶⁸. We saw the principle there worked well¹⁶⁹, and if this system can be found good in a democracy, why should it not be adopted in this country. There are a great many things which cannot be defended in theory but which work well in practice, and it is by the constitution of this federal senate that the United States have prospered. By this it is evident that the minority may rule the majority, and all work together for the good of the whole.¹⁷⁰ The same principle was adopted in the American House of Representatives, so that to carry out extensive democracy it was not necessary to rule by means of an absolute majority, nor could it be so in a country like this.¹⁷¹ United Canada had greater privileges of self-government than were ever before accorded to any British Colony, and although one section of the Province might have a greater population but only an equal representation, their interests were identical, and they might legislate so as to promote them.¹⁷² Lower Canada has never attempted to force her institutions upon Upper Canada, although some persons from Upper Canada endeavoured to force their institutions upon Lower Canada. It was, therefore, necessary for each province to have the same number of votes to protect her own local matters while the general interests of the country were common to both¹⁷³. He contended that compromise was necessary to maintain the union. The union act was an injustice to Lower Canada but the Lower Canadians seeing that their insti-

tutions were protected under the act, they were willing to carry it out in good faith.¹⁷⁴ He hoped that before long the legislature would only have to deal with matters of trade and navigation, and that the county municipalities would attend to all the local affairs of the country. It was the fault of the last House of Assembly that they had not municipal institutions in Lower Canada, but when he recollected that it was only in 1832 that the cities of Quebec and Montreal were incorporated, there was great reason to be gratified at the advance that was being made. He would say, that the municipal system in Lower Canada was beginning to work well, there were facts that gave a certainty that it would eventually succeed, and when both sections of the province had their municipal institutions to manage all local affairs, there would be nothing for the legislature to do but to manage the trade and navigation of the country. In the State of Virginia a very similar question to this had to be settled: in one part of the State there were more slaves than freemen and in the other more free than slaves, so that these two sections had interests more adverse than we have, but each section of the State had an equal number of representatives. Lower Canada would never consent to have the proportion of members interfered with, and if any one wanted the principle of the resolution carried out, he must agitate for the repeal of the Union.¹⁷⁵

MR. LANGTON denied the imputation of endeavouring to seek popularity by supporting the resolution before the House.¹⁷⁶ [He] had not seconded the motion ... with any view of gaining popularity or destroying the union, but because he had faith in the principle it contained, and thought the union ought to be sufficiently expansive to admit its application. If a sound principle such as he had indicated last night were not applied, the difficulty would be only postponed--it would come, and nothing would be gained by the postponement.¹⁷⁷ As long as the people of Upper Canada were disunited as they were, the members for Lower Canada, being always united, could hold their ground even if the principle was adopted. He could fully appreciate the wish of the members of Lower Canada to preserve their own institutions but the time must come sooner or later when they would have to give in. Is it to be supposed that the people of Upper Canada would be content to be in a minority, and would it not be better to prepare for a settlement to which we must come sooner or later, than to wait till the time actually arrived.¹⁷⁸ He did not believe that statesmanship simply consisted in putting off the evil day. Would it not be better to settle the question now, than when stronger feelings were excited on both sides¹⁷⁹? He thought they would get on more harmoniously if they had some fixed principle to go upon.¹⁸⁰ He denied there was any analogy between the federal union of the States, and the legislative union of Canada, as contended by Mr. Cartier. The amendment might not be carried, but that was no reason why those in favour of it should not discuss and affirm the principle it contained again and again.¹⁸¹

MR. AT. GEN. RICHARDS wanted to know how Mr. Langton intended to carry out his principle.¹⁸² [He] said that if the hon. member were to press such a bill as he desired, he would still have to Legislate every ten or five years¹⁸³ every time any alteration was required¹⁸⁴ to adjust the representation according to population. They had to do so in the States. Then might not the hon. member leave his principle until¹⁸⁵ it was actually required¹⁸⁶ and would it not be much more likely to be carried under the bill before the House. There was very little difference between the population of Upper and Lower Canada at the present time, not sufficient to make a difference in the representation necessary, but if at any future time it should become necessary to make a difference would it not, he repeated, be easier to do so under the bill before the house, than under the present system!¹⁸⁷

MR. LANGTON explained that, after the principle was once established, the

carrying it out would be a mere matter of detail.¹⁸⁸

MR. AT. GEN. RICHARDS.--Well, then, if the principle be a good one, it will work its way into the minds of the people. Nothing was said about the principle of representation when Upper Canada was in a minority.¹⁸⁹

MR. BROWN said that, as early as 1848 and 1849, the Reform press had taken strong ground, upon the same principle now urged.¹⁹⁰

MR. LANGTON said that the principle was stated at the Union.¹⁹¹

MR. AT. GEN. RICHARDS believed that the harmonizing effect of the Union would be such that in the course of ten years, there would be very little difference of opinion about the representation. Before the Union, gentlemen on the other side of the House did not entertain the same opinion that they enunciate now, and he read from the journals a resolution moved during the debate on the Union Act, to the effect that the representation of Upper Canada should remain at what it then was, 62, and that Lower Canada should only return 50 members¹⁹². The hon. member ... read Mr. Murney's name¹⁹³ [from] among those who voted for this¹⁹⁴ in a division in 1839 to show that he was inconsistent now.¹⁹⁵ But times had changed since then. (Loud laughter.)¹⁹⁶

MR. MURNEY said that he voted for every resolution that might prevent the Union from taking place, but he argued against it on the grounds that he had mentioned.¹⁹⁷

MR. CAUCHON stated that if the resolution of the hon. member for Kent were adopted, he would never vote for the second reading of the bill.¹⁹⁸ He would never consent to a difference of representation between Upper and Lower Canada....The hon. member proceeded to argue that it was unfair to refuse to give Lower Canada, an equal representation, now that the population of Upper Canada was greater than that of Lower Canada, seeing that for twelve years Lower Canada had submitted to a similar condition of things.¹⁹⁹ As soon as Upper Canada feels that she must adopt this principle, the first thing she has to do is to agitate for a repeal of the Union, and as soon as she did that, he would join her in so doing. So long as the provinces had been united, the members for Lower Canada had never tried to form any measures against the feelings of the people of Upper Canada. Some men from Upper Canada endeavoured to force their principles on the people of Lower Canada; but when did Lower Canada do the same? If even they did do so, it was because they were ignorant of the feelings of the majority of the people of Upper Canada. In the case of the Chancery bill they voted for that the first time with the majority of the people of Upper Canada, and how could they know that in two years the feelings of the people would change. In the first place he would do all in his power to do justice²⁰⁰ to every Upper Canadian local interest²⁰¹ and then to stand by the people of Lower Canada²⁰², he would demand the same measure of justice for Lower Canada.²⁰³ They did not want the Union, but when it was carried they endeavoured to carry it out in good faith, and so long as the two thirds vote was in existence he would abide by it.²⁰⁴

MR. MACKENZIE commenced by referring to the great differences of opinion on this question and contended that great evils had resulted to Canada from inequality of representation, while in the state of New York, prosperity had been promoted by a converse condition of things. It was monstrous that a little town like Sherbrooke should send a member to parliament while a large county containing sixty thousand inhabitants should only send one member. He agreed that the two sections of the Province would have to return an equal number of members, but he would vote for the amendment as an abstract principle, not however with any hope of carrying it.²⁰⁵

MR. MERRITT in answer to the member for Kent said Upper Canada was placed by that hon. member in a false position, he says I will propose this, though I know it won't carry; but I want to show Upper Canada that I am in favour of that scheme. He (Mr. Merritt) was also in favor of it²⁰⁶ [and] would vote for his motion, although he knew it would not carry²⁰⁷; but ought the hon. member to bring it forward at a time when he knew that it will stop this measure before the House²⁰⁸? If the resolution ... were carried, it would defeat the object of the bill....He was in favour of representation by population; but that was the opinion of all the representatives from Upper Canada and they would support it, if they voted according to their--²⁰⁹

"Consciences"--suggested MR. BROWN.²¹⁰

MR. MERRITT, warmly--conscience had nothing to do with it. (Loud laughter which drowned the remainder of the sentence.) They opposed it because it was necessary to do so. He had voted for the Union because it was necessary for Upper Canada to have a seaport, and it was a choice between Lower Canada and the United States. The real question now to be considered was whether we are to have increased representation or not.²¹¹ He was opposed to the arrangement of the representation that was made as a piece of injustice, though he supported the whole scheme because that was the only method, by which the union could be carried.²¹² He thought the hon. member ought to withdraw his motion, but whether he did so or not, he did not care, he should vote against it, and would not be afraid to justify himself before any constituency in the country.²¹³ But how was representation according to population to be carried now?²¹⁴ If the people of Lower Canada were wise, they would support the system of representation on the basis of population, and the time would come, when, as they became more intelligent²¹⁵ and Upper Canada would also become more intelligent²¹⁶, they would see this²¹⁷ and when that was the case the thing would be carried. If Lower Canada were sufficiently intelligent she would even now wish to have justice done. In reply to Mr. Cartier the hon. member pointed out the difference between our government and that of the United States. He called on the hon. member for Kent to withdraw his motion, for otherwise²¹⁸, if the hon. member persisted in his motion, he should only say that all²¹⁹ the members from Upper Canada, who were in favor of his principle, must vote against it in favor of the bill.²²⁰

COL. PRINCE attacked the hon. member for Haldimand for his speech and his "Message," alledging that the hon. member's assertions were false as the Devil in Hell; and thence passed on to deliver a warm panegyric on the character of the Chief Justice of Upper Canada, whom Mr. McKenzie had spoken of as "that Robinson."²²¹

MR. DIXON regretted that this debate had assumed a tone of recrimination betwixt the members for Upper and Lower Canada, such feelings and animadversion, he thought, was [sic] better left alone. With respect to the Bill before the House, he thought that it was uncalled for--that the country did not want it, and that it was incumbent upon the ministry to make out a case first before they asked the House to support a measure which, in his opinion, was replete with mischief. The number of representatives for Canada was much larger than that of England or the United States, in proportion to the population; and that the present measure, if carried, would retard the public business and entail an immense expense upon the Province. The hon. Inspector General had propounded the doctrine, that the representatives of the people should not appear in that House as representatives of local but general interests, and such an argument told with power and effect upon the present bill, for if hon. gentlemen were to appear on the floor of that House as the advocates of measures for the general interests of the country, then he (Mr. D.) could not see any reason for in-

creasing the representation of the country, except [if] it was to serve the sinister purposes of the Ministry. The Inspector General had alluded to Scotland as an example, where the union of boroughs for the purposes of representation was carried out to great advantage; and that Lord John Russell had intimated to the House of Commons an intention to carry out the same principle in England. In answer to this statement, he (Mr. D.) would ask the hon. gentleman if the few boroughs in Scotland were to be found in as many different counties as was proposed by this Bill, with respect to the towns of Upper Canada. The hon. gentleman said yes! but he (Mr. D.) would, in reply say no! The hon. gentleman was mistaken; and if the principles were applied to England, it could only be where populous towns lay within a very few miles of each other, and whose interests were identical. The hon. gentleman had asked, What was the principle of the English Reform Bill? He (Mr. D.) could tell him, that the principle of the English Reform Bill was not to ensure the enlargement of party representation, but to ensure more fully the representation of the manufacturing interest of England. When such towns as Manchester, Stockport, Leeds, &c., were without representatives, there was some ground for endeavouring to adjust a state of things so utterly at variance with the great interests of a country; but in the present case, there was no analogy whatever--it was a party move for party purposes, and had not the confidence of the country, and he (Mr. D.) fully agreed with the hon. member for Simcoe, that it was not required or called for by the country. The hon. member for Kent, and other hon. gentlemen, had insisted upon the propriety of population being made the basis of representation--this, to some extent, was true in the abstract, but he could not receive the doctrine that population was the only basis of representation--there was such a thing as interests in a state which required representation. We were often told of the importance of the mercantile interest--and the present bill before the House showed conclusively that it was not forgotten. Quebec, Montreal, and other cities in the Province were to benefit by the enlarged representation--so were the agricultural interests in the country; and if any increase was necessary, it was to the agricultural that a large share should be given,--but there was another interest--the mechanical and general industrial interests of the country required the special care and attention of the Legislature. But, according to the doctrines of some hon. members, all places below the population of Hamilton were to be disfranchised and thrown into the counties. He (Mr. D.) did not believe that this was just or politic; for the smaller towns and the industrial interests were the backbone and sinew of the state. It was true that the bill before the House did not profess to disfranchise those towns, for a very plain reason--because the Union Act--an Imperial Act--stood in the way, and prevented the Government from doing what it probably otherwise might have done--but if the bill did not attempt to disfranchise, it attempted to encumber those towns, by tacking on to those which were now represented a number of smaller towns, in as many different counties. Here the hon. member showed the distances at which Goderich, Chatham, Woodstock, and St. Thomas were placed from London, the town that he had the honour to represent--and he hoped the house would not charge him with vanity or egotism in saying that the population of London was as intelligent and enterprising in proportion to its amount as any in the United Province, and he did not think that his constituents would agree to be disfranchised or tacked to a variety of others, in order to lessen their influence--and whatever hon. members might say to the contrary, the towns so indicated as unworthy of representation were the balancing power in Canada, and he (Mr. D.) trusted they would not be disturbed by the absurd and impracticable scheme now before the House, in which the most opposite interests were to be concentrated. The hon. Inspector General might say, did not the hon. member for Middlesex represent two interests in the Counties of Middlesex and Elgin,--but he (Mr. D.)

would remind the hon. gentleman that the interest for those united counties which was so efficiently and worthily represented by their hon. member, was but one broad and unmixed agricultural interest--it was not so with the towns. The hon. mover of this bill had stated to the House that it was based upon a principle of justice. Was it justice to make special provisions in the bill for the town of Three Rivers remaining as it now is, with its population of 4835, and the County of Gaspé with its population of 7000, and strive to encumber the action of the constituency of over 7000 he had the honour to represent, by throwing into its embraces four other towns, with their opposing interests and embittered feelings? Such a scheme was too preposterous to be seriously entertained by the House, and he believed the House would never agree to such an absurdity. The hon. member enlarged upon the advantages of local interests mixed up with general interests, and concluded by saying that he should oppose the bill in all its stages.²²²

MR. ROSE would vote against the amendment, not because he did not approve of the principle of it, but because what was right in theory was not always so in practice. At present there was no great disparity in numbers between the two provinces, and he supposed it was the present with which the house had to deal, especially as the bill did not affirm that equality of representation was always to continue, no matter how great the disparity of population. He went on to say he was not afraid of Lower Canadian influence--that Lower Canada was always ready to give Upper Canada what the majority there required, and he was quite ready to reciprocate, unless by doing so he went counter to some very important principle.²²³

MR. PRES. EX. COUN. CAMERON here rose, and²²⁴, in answer to what had been said by Mr. Brown²²⁵, begged to be allowed to read an extract from the Globe newspaper of July, 1850, as a commentary on the speech of the hon. member for Kent. The words were these:--

"The population of Upper Canada is said to be not yet equal to that of Lower Canada; for some years the Lower Canadians gave us equality when they were far more numerous than we were--and it is not only ungenerous but unjust to turn on them the moment we are on a par, demanding a change of the principle by which we formerly gained so much. But the demand is not only ungenerous and unjust, but useless. The thing cannot be done; and sensible men will cease fretting, and take what they can get."²²⁶

MR. BROWN rose and said he perfectly agreed with every word the hon. gentleman had read²²⁷, admitting still the truth and force of what he had written in 1850; but circumstances had greatly changed since that²²⁸. The population of Upper Canada was then supposed to be under that of Lower Canada, and a general election was close at hand. Since then the true state of the population has been ascertained²²⁹. It had become evident that in return for the disadvantage that Lower Canada had once had to suffer by unfair representation Upper Canada had long given her a quid pro quo.²³⁰ We are greatly above Lower Canada already, and we are legislating for an election three years hence, when we will be still further in advance of her. What was perfectly reasonable in 1850 might be most unfair in the winter of 1855-6. Already there are 100,000 more people in Upper than in Lower Canada, and by that time, as I have shown, there will be nearly 380,000 of a majority. It was most amusing to him (Mr. Brown) to hear hon. gentlemen avowing that they perfectly agreed with the principles embodied in his amendment; and yet violently assailing him for bringing it forward--for proposing to carry out their own principles! It was very well here for gentlemen bound hand and foot to the ministry to give their votes just as suited the occupants of the treasury benches, without regard to their honest convictions--but their constituents in Upper Canada would not understand

such a mode of action. They seem to think it a good argument to say that if the amendment carries, the bill will be abandoned. Don't let the hon. gentlemen trouble themselves on that score--her Majesty's present Administration would bow to the force of circumstances, and adopt the principle, were so happy a result to be attained. A majority for the amendment would secure representation by population--and for his part he would break up any administration to secure the adoption of that principle. It would be a remedy for all our political difficulties, and soon place full sway in the hands of the truly liberal portion of the community.²³¹

MR. BADGLEY said that it was no use speaking on the amendment because it could not be carried out--as it was contrary to the Union Act.²³² [He] would vote against the amendment of Mr. Brown as impracticable, and against the bill as a mere arbitrary and unprincipled division of the country into electoral districts. He would not however, detain the house at that late hour by a long discussion.²³³

MR. GAMBLE intended to move for the amendment. It was what he had been contending for during his whole life. He was one of the ten men who opposed the Union throughout in every stage of its progress²³⁴ and had also voted against the unfair representation that was enacted under it. He was also half disposed at present to vote for the bill; but he desired to know²³⁵ if the House would be dissolved on the measure introduced by the Government if it were adopted.²³⁶

MR. INSP. GEN. HINCKS intimated that that was probable.²³⁷ [He] said that the bill would take effect at the next general election. The usual course was to take the sense of the people upon such a measure as this.²³⁸

MR. GAMBLE did not see why any member should vote for the ... second reading of this bill when it would not be acted upon for so long a time. If it was not intended to act upon this bill immediately the country would be worse off than it is at present. If they carried that bill now, they would be giving a fresh sanction to the existing state of things.²³⁹ A demand for a fair representation according to population had been designated by Mr. Hincks as a demand for a repeal of the union.²⁴⁰ That was stated by the administration.²⁴¹ He supposed too that it would be called a breach of faith; but this breach of faith was not thought of when the question was the removal of the²⁴² Seat of Government away²⁴³ from Kingston²⁴⁴, was not that a breach of faith. Nothing was then said about the dissolution of the Union. Again, when the Clergy Reserve question was taken up, after the pledge that had been given, that it should not be disturbed--was not that a breach of faith? Yet nothing was said about a repeal of the Union. But now, the moment that we speak of carrying out a measure which is manifestly just and right, gentlemen cry out for a repeal of the Union. He (Mr. Gamble) did not think that the Union ever would work well, the elements of it were too much opposed to each other for it ever to do so.²⁴⁵ There was no social union and never could be, and the only help would be what he believed Lord Sydenham originally intended, the union of the whole of the Provinces for certain purposes of trade and the conservation of the great highway of the country, while each section should be left to its own institutions, and to manage its own internal concerns. He saw nothing ungenerous in now demanding justice, more especially as²⁴⁶ the Union was carried in opposition to the wish of the people of Upper Canada,²⁴⁷ by Lord Sydenham,²⁴⁸ one of the most unscrupulous men that ever came into the country, by means of that system of responsible government under which the country had so prospered, and under which, the representation had become so independent.²⁴⁹ He reminded Mr. Cauchon of an article which he had written in 1849 calling on all his countrymen to come forward and carry the bill of that year, lest another so

good opportunity of establishing their supremacy perhaps might not again occur.²⁵⁰

MR. CAUCHON denied that he had used the word supremacy.²⁵¹

MR. GAMBLE concluded by saying that he would vote for the bill, if the Inspector General would promise to make single electoral Districts and give up the aggregation of the towns.²⁵²

MR. STUART would vote against the amendment because it was uncalled for at the present time. The population of the two provinces were very nearly equal, and from the high price of provisions and the cheapness of labour, and the general depression that had so long prevailed in Lower Canada, many of the inhabitants had left. The causes were, however, now disappearing²⁵³. He hoped by the improvements in Lower Canada²⁵⁴, if proper measures were taken to develop the resources of the country²⁵⁵, especially the North Shore Road, that wages would rise, the youth of the country be kept from emigrating, and the population thus maintained on a level with that of the Upper Province. He did not believe there was any reason why there should be jealousy between the two sections of the Province.²⁵⁶ He was in favour of an increase of the representation, and should vote for the 2nd reading of the bill, hoping that it would have the effect of securing the independence of the members by increasing there [sic] number.²⁵⁷ This plan, too, he believed, had the assent of the great majority of his constituents and of the people of Lower Canada.²⁵⁸

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Burnham, Christie of GASPE, Fergusson, Gamble, Langton, Mackenzie, Malloch, Murney, Ridout, Robinson, Seymour, Smith of FRONTENAC, Willson, and Wright of West Riding of YORK.--(15.)

NAYS.

Messieurs Badgley, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Dixon, Attorney General Drummond, Dalord, Dumoulin, Egan, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Marchildon, Mattice, McDougall, McLachlin, Merritt, Mongenais, Morin, Morrison, Paige, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Sicotte, Smith of DURHAM, Stevenson, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Wright of East Riding of YORK, and Young.--(57.)²⁵⁹

So it passed in the Negative.

MR. BROWN craved leave to read a short extract for the edification of the House. It was not a garbled extract from a newspaper article, but a formal resolution recorded on the Journals of the House of Assembly. When Mr. Lafontaine's bill was before Parliament, in 1849, the hon. member for Huron was in office, and voted for it; in 1850 he was out of office, and he shirked the vote; in 1851 Mr. Lafontaine moved the second reading of his bill on 25th July precisely, as we have done tonight, and precisely in the same manner as now, an amendment was offered. It reads thus:--"Moved in amendment, that all the words after 'That' to the end of the question, be left out, in order to add the words, 'any measure in the representation of the people in Parliament should be based upon the gradual increase of population.'" (Hear, hear.) This amendment was moved by the hon. Mr. Boulton, and who does the House suppose was the seconder? WHY, THE HON. MALCOLM CAMERON! (Laughter and cries

of hear, hear.) I observe he has just voted against my resolution, though it is almost a transcript of the one he himself proposed two years ago.²⁶⁰

(539)

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman,

(540)

Hincks, Jobin, Johnson, Lacoste, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, McLachlin, Merritt, Mongenais, Morin, Morrison, Paige, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Sicotte, Smith of DURHAM, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Willson, Wright of East Riding of YORK, and Young.--(58.)

NAYS.

Messieurs Badgley, Burnham, Dixon, Gamble, Malloch, Marchildon, McDougall, Murney, Ridout, Robinson, Seymour, Smith of FRONTENAC, Stevenson, and Wright of West Riding of YORK.--(14.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time.

The Honorable Mr. Morin moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That the Bill be committed to a Committee of the whole House, for Friday next;

Mr. Smith of Frontenac moved in amendment to the Question, seconded by Mr. Murney, That the word "Friday" be left out, and the word "Tuesday" inserted instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be committed to a Committee of the whole House, for Friday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Morin,

The House adjourned.

APPENDIX: 2 MARCH 1853.

[NOTICE OF MOTION RE: RAILROAD INVESTMENT BY THE MUNICIPALITY OF THE COUNTY OF TWO MOUNTAINS.]

MR. YOUNG [gave notice that] on Friday next [he will introduce a] bill to authorize the Municipality of the County of Two Mountains to take Stock in the St. Lawrence and Ottawa Grand Junction Railroad Company to the extent of £100,000 currency, and to issue Bonds therefor, and to provide for the payment of said Bonds.²⁶¹

[NOTICE OF MOTION RE: LAW FOR COMPENSATION FOR IMPROVEMENTS BY TENANTS.]²⁶²

MR. LEMIEUX [gave notice that] on Friday next [he will introduce a] Bill, intituled, "An Act to afford relief and make compensation to such persons who as Tenants, under emphythéotique leases, improve their houses and buildings in obedience to certain By-laws of the City of Quebec, passed for the prevention of accidents by fire."²⁶³

[NOTICE OF MOTION RE: ADDITION OF CAPITAL STOCK OF QUEBEC BANK.]²⁶⁴

MR. STUART [gave notice that] on Friday next [he will introduce a] Bill to authorize an addition to the Capital Stock of the Quebec Bank, and to facilitate the transfer of Shares in certain cases.²⁶⁵

[NOTICE OF MOTION RE: ACT TO ALTER, AMEND AND EXTEND PREVIOUS ACTS REGARDING THE LAKE ONTARIO AND OTTAWA RIVER CANAL.]

MR. CRAWFORD [gave notice that] on Friday next [he will introduce a] Bill intituled, "An Act to alter, amend and extend an Act passed in the 6th year of His late Majesty King William the 4th, intituled, 'An Act to alter and amend an Act passed in the 8th year of His Majesty's Reign,' 'An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining and using the Canal intended to be completed under His Majesty's direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned.'"²⁶⁶

[NOTICE OF ADDRESS RE: REPEAL OF CERTAIN CLAUSES OF THE UNION ACT.]²⁶⁷

MR. BROWN [gave notice that] on Monday 14th March [he will move] for the adoption of a series of Resolutions as the ground work of an Address to the Queen, praying Her Majesty to recommend to the Imperial Parliament the passage of a bill to repeal certain clauses of the British Act, commonly known as "The Union Act," by which certain restrictions are imposed on the powers of the Canadian Legislature.²⁶⁸

[NOTICE OF QUESTION RE: LAW REFORMING MUNICIPAL SYSTEM IN LOWER CANADA.]²⁶⁹

MR. TERRILL [gave notice that] on Friday next [he will make an] enquiry of Ministry, whether it is their intention in the proposed law for reforming the Municipal system of Lower Canada, to adopt the principle of levying Municipal and Educational taxes upon all personal as well as real property.²⁷⁰

[QUESTION AND ANSWER RE: DUTIES ON ARTICLES AND GOODS USED IN SHIP-BUILDING.]²⁷¹

MR. DUBORD enquired of the Ministry, whether it is intended to reduce the

duties on, or to admit free of duty into this Province, the following articles and goods used in ship-building: namely, all kinds of cordage, sail cloth, copper in bars or in sheets, yellow metal in bars or in sheets, iron, bright and black varnish, pine oil, marine cement, pitch, tar, resin, chain cables, all kinds of metal manufactures for the use of the ship-builders, tree nails, bunting, felt sheeting, spikes, compasses and oakum.²⁷²

MR. INSP. GEN. HINCKS replied that the Government would be prepared with their general statement as early as possible, but before that they could not give any answer.²⁷³

[WITHDRAWN MOTION RE: PENNY POSTAGE.]²⁷⁴

MR. BROWN stated that he had given notice of a Committee on the subject of reducing the Postage from 3d. to 1d.; but finding the country did not attach so much consequence to this reform as he expected, he thought it best to allow the Post Master General's proposal of a reduction next year to be followed out.²⁷⁵

FOOTNOTES: 2 MARCH 1853.

1. The following papers reported these resolutions in identical accounts: MORNING CHRONICLE, 4 March 1853, and BRITISH COLONIST, 11 March 1853. The following papers reported them in partially identical accounts: BRITISH WHIG, 3 March 1853, GLOBE, 3 March 1853, NORTH AMERICAN SEMI-WEEKLY, 4 March 1853, and JOURNAL DE QUEBEC, 3 March 1853.
2. MORNING CHRONICLE, 4 March 1853.
3. IBID.
4. IBID.
5. IBID.
6. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 4 March 1853, PILOT, 10 March 1853, BRITISH COLONIST, 11 March 1853, HAMILTON SPECTATOR DAILY, 11, 12 March 1853 (both accounts were copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1853, HAMILTON SPECTATOR WEEKLY, 17 March 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN SEMI-WEEKLY, 18 March 1853, and NORTH AMERICAN WEEKLY, 24 March 1853. The debate was also reported by: GLOBE, 12 March 1853; and JOURNAL DE QUEBEC, 8 March 1853 (which also contained a commentary). The following papers noted the debate in identical accounts: BRITISH WHIG, 3 March 1853, GLOBE, 3 March 1853, HAMILTON SPECTATOR DAILY, 3 March 1853, and NORTH AMERICAN SEMI-WEEKLY, 4 March 1853. A commentary appeared in BRITISH WHIG, 15 March 1853.
7. GLOBE, 12 March 1853.
8. GLOBE, 12 March 1853. JOURNAL DE QUEBEC, 8 March 1853, commented that: "M. MACKENZIE, le grand agitateur du Haut-Canada en 1837 et 1838, qui après avoir poussé ses dupes à prendre les armes contre le gouvernement, eût grand soin de mettre sa précieuse personne à l'abri de tout danger, en prenant bonnement la fuite, commença la bataille en disant qu'il ne pouvait comprendre comment les habitants du Bas-Canada avaient besoin d'une loi pour les forcer à bâtir leurs églises. En descendant, il avait vu des églises partout et des belles; avaient-elles été bâties en vertu de la loi?"
9. MORNING CHRONICLE, 4 March 1853.
10. GLOBE, 12 March 1853.
11. MORNING CHRONICLE, 4 March 1853.
12. GLOBE, 12 March 1853.
13. JOURNAL DE QUEBEC, 8 March 1853.
14. MORNING CHRONICLE, 4 March 1853.
15. IBID.
16. GLOBE, 12 March 1853.
17. IBID.
18. IBID.
19. JOURNAL DE QUEBEC, 8 March 1853.
20. GLOBE, 12 March 1853.
21. MORNING CHRONICLE, 4 March 1853.
22. GLOBE, 12 March 1853.
23. MORNING CHRONICLE, 4 March 1853.
24. GLOBE, 12 March 1853.
25. MORNING CHRONICLE, 4 March 1853.
26. JOURNAL DE QUEBEC, 8 March 1853.
27. MORNING CHRONICLE, 4 March 1853.
28. JOURNAL DE QUEBEC, 8 March 1853.
29. GLOBE, 12 March 1853.

30. MORNING CHRONICLE, 4 March 1853.
31. GLOBE, 12 March 1853.
32. MORNING CHRONICLE, 4 March 1853.
33. GLOBE, 12 March 1853.
34. MORNING CHRONICLE, 4 March 1853.
35. GLOBE, 12 March 1853.
36. MORNING CHRONICLE, 4 March 1853.
37. JOURNAL DE QUEBEC, 8 March 1853, which commented that: "M. CHRISTIE est un clear-grit pur sang; c'est lui qui a réussi à former la combinaison ministérielle existante pour le Haut-Canada."
38. MORNING CHRONICLE, 4 March 1853.
39. GLOBE, 12 March 1853.
40. MORNING CHRONICLE, 4 March 1853.
41. GLOBE, 12 March 1853.
42. MORNING CHRONICLE, 4 March 1853.
43. JOURNAL DE QUEBEC, 8 March 1853.
44. MORNING CHRONICLE, 4 March 1853.
45. JOURNAL DE QUEBEC, 8 March 1853.
46. GLOBE, 12 March 1853.
47. MORNING CHRONICLE, 4 March 1853.
48. GLOBE, 12 March 1853.
49. IBID.
50. MORNING CHRONICLE, 4 March 1853. JOURNAL DE QUEBEC, 8 March 1853, included the following explanation regarding the Three Rivers Cathedral:
 "Depuis longtemps les paroissiens de la ville des Trois-Rivières sentaient le besoin de rebâtir l'église paroissiale qui menace ruine. Le district des Trois-Rivières ayant été érigé en diocèse, Mgr. Cooke, l'évêque diocésain, fit proposer aux paroissiens, que, comme la construction de leur église paroissiale coûterait £6,000 et qu'il faudrait £8,000 pour bâtir une cathédrale, si les paroissiens voulaient se taxer pour £6,000, il s'engageait à fournir la balance de £2,000 pour former la somme nécessaire pour la construction de l'église paroissiale. Cette proposition fut agréée à l'unanimité à une assemblée des paroissiens. Mais comme la loi qui permet de prélever une taxe pour la construction des églises, ne s'applique qu'aux églises paroissiales et non aux cathédrales, il faut nécessairement une loi pour permettre cette taxation dans le cas de construction d'une cathédrale, et c'est pour obtenir ce but que M. Polette, l'honorable représentant de la ville des Trois-Rivières, a demandé la permission d'introduire le bill qui a soulevé l'indignation de M. Brown et de ses dignes amis.
 "Mais ne voilà-t-il pas que le diable venant au secours de ces saints personnages, inspire à quelques paroissiens, habitant la banlieue des Trois-Rivières, de rédiger une requête qu'ils chargent le susdit Brown de soumettre à la chambre. Quelle aubaine pour le député du comté de Kent! Comme il fallait le voir déclarer avec un air de sincérité que les signataires de cette requête, dont, sur 40, à peine 10 sont intéressés dans la construction de l'église en question, ne voulaient pas contribuer à l'édification de cette église; que le bill de M. Polette avait pour objet de les forcer malgré eux à payer pour la construction d'une église dont ils ne voulaient pas. Qu'un tel bill était une mesure tyrannique, odieuse, et qui n'avait pas même de parallèle dans les pays les plus soumis au joug des prêtres."
51. GLOBE, 12 March 1853.
52. MORNING CHRONICLE, 4 March 1853.
53. JOURNAL DE QUEBEC, 8 March 1853.

54. MORNING CHRONICLE, 4 March 1853.
55. GLOBE, 12 March 1853.
56. MORNING CHRONICLE, 4 March 1853.
57. GLOBE, 12 March 1853.
58. MORNING CHRONICLE, 4 March 1853.
59. GLOBE, 12 March 1853.
60. MORNING CHRONICLE, 4 March 1853.
61. GLOBE, 12 March 1853.
62. JOURNAL DE QUEBEC, 8 March 1853.
63. MORNING CHRONICLE, 4 March 1853.
64. JOURNAL DE QUEBEC, 8 March 1853.
65. MORNING CHRONICLE, 4 March 1853. JOURNAL DE QUEBEC, 8 March 1853,
reported that: "M. FERGUSSON, clear-grit, a lui aussi des scrupules
à l'endroit de ce bill dont le titre seul lui paraît comporter des effets
si pernicieux, qu'il ne peut, en conscience, s'empêcher de voter contre
sa réception."
66. MORNING CHRONICLE, 4 March 1853.
67. GLOBE, 12 March 1853.
68. MORNING CHRONICLE, 4 March 1853.
69. GLOBE, 12 March 1853. JOURNAL DE QUEBEC, 8 March 1853, reported that:
"M. HINCKS dit, sans rire le moins du monde, qu'il comprend les scrupules
de conscience des messieurs qui s'opposent à la réception du bill."
70. MORNING CHRONICLE, 4 March 1853.
71. GLOBE, 12 March 1853.
72. MORNING CHRONICLE, 4 March 1853.
73. GLOBE, 12 March 1853.
74. MORNING CHRONICLE, 4 March 1853.
75. GLOBE, 12 March 1853.
76. MORNING CHRONICLE, 4 March 1853.
77. IBID.
78. GLOBE, 12 March 1853.
79. MORNING CHRONICLE, 4 March 1853.
80. GLOBE, 12 March 1853.
81. MORNING CHRONICLE, 4 March 1853.
82. GLOBE, 12 March 1853.
83. MORNING CHRONICLE, 4 March 1853.
84. GLOBE, 12 March 1853.
85. MORNING CHRONICLE, 4 March 1853.
86. GLOBE, 12 March 1853.
87. MORNING CHRONICLE, 4 March 1853.
88. GLOBE, 12 March 1853.
89. MORNING CHRONICLE, 4 March 1853.
90. GLOBE, 12 March 1853.
91. MORNING CHRONICLE, 4 March 1853.
92. GLOBE, 12 March 1853.
93. IBID.
94. IBID.
95. IBID.
96. MORNING CHRONICLE, 4 March 1853.
97. GLOBE, 12 March 1853.
98. MORNING CHRONICLE, 4 March 1853.
99. GLOBE, 12 March 1853.
100. MORNING CHRONICLE, 4 March 1853.
101. GLOBE, 12 March 1853.
102. MORNING CHRONICLE, 4 March 1853.

103. GLOBE, 12 March 1853.
104. MORNING CHRONICLE, 4 March 1853.
105. GLOBE, 12 March 1853.
106. MORNING CHRONICLE, 4 March 1853.
107. GLOBE, 12 March 1853.
108. MORNING CHRONICLE, 4 March 1853.
109. GLOBE, 12 March 1853. MORNING CHRONICLE, 4 March 1853, reported that Mr. Hartman referred to "the allusion of the member for Three Rivers...."
110. MORNING CHRONICLE, 4 March 1853.
111. GLOBE, 12 March 1853.
112. MORNING CHRONICLE, 4 March 1853.
113. GLOBE, 12 March 1853.
114. GLOBE, 12 March 1853. BRITISH WHIG, 15 March 1853, made the following comment regarding Mr. Turcotte's threat: "Upon the discussion of the Three Rivers Cathedral Bill, on Wednesday, I should have mentioned before, Mr. Turcotte threw out the threat to the Grits of Upper Canada, that the Clergy Reserves question was not yet decided, and that they were doing anything else but educating the French people to look favourably upon their designs respecting the Episcopal Church property of Upper Canada. But Mr. Brown and Mr. Hartman cast Mr. Turcotte's threat back into his teeth in good set terms; and beyond a manly enough retort by him upon their intolerance, there was no expression of feeling by the French. There was on the contrary indeed, a very ominous silence preserved by them. Mr. Turcotte brought the Clear Grits down upon him, but he brought no Frenchmen to his aid although, in the debate in question, Mr. Murney and other Conservatives ably and spiritedly defended the French against the attacks of the Grits. And certainly there never were manly and independent opinions less rewarded by the support or confidence of those for whom they were given. I mention the circumstance lest the threat of Mr. Turcotte should be unwisely magnified into an importance it was not entitled to."
115. GLOBE, 12 March 1853.
116. MORNING CHRONICLE, 4 March 1853.
117. GLOBE, 12 March 1853.
118. MORNING CHRONICLE, 4 March 1853.
119. IBID.
120. IBID.
121. IBID.
122. JOURNAL DE QUEBEC, 8 March 1853.
123. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 4 March 1853, PILOT, 10 March 1853, BRITISH COLONIST, 11 March 1853, and HAMILTON SPECTATOR WEEKLY, 17 March 1853; EXAMINER, 16 March 1853, NORTH AMERICAN SEMI-WEEKLY, 18 March 1853, and NORTH AMERICAN WEEKLY, 24 March 1853. The debate was also reported by: GLOBE, 15 March 1853; and LA MINERVE, 8 March 1853 (both reports also contained commentaries). Commentaries appeared in: NORTH AMERICAN WEEKLY, 10, 17 March 1853; and JOURNAL DE QUEBEC, 8 March 1853.
124. MORNING CHRONICLE, 4 March 1853.
125. GLOBE, 15 March 1853.
126. MORNING CHRONICLE, 4 March 1853.
127. GLOBE, 15 March 1853.
128. MORNING CHRONICLE, 4 March 1853.
129. GLOBE, 15 March 1853.
130. MORNING CHRONICLE, 4 March 1853.

131. GLOBE, 15 March 1853.
132. MORNING CHRONICLE, 4 March 1853.
133. GLOBE, 15 March 1853.
134. MORNING CHRONICLE, 4 March 1853.
135. GLOBE, 15 March 1853.
136. MORNING CHRONICLE, 4 March 1853.
137. GLOBE, 15 March 1853.
138. IBID.
139. This amendment was noted by HAMILTON SPECTATOR DAILY, 4 March 1853, and GLOBE, 5 March 1853. HAMILTON SPECTATOR DAILY, 4 March 1853, reported that the mover was Mr. Morin.
140. GLOBE, 15 March 1853.
141. MORNING CHRONICLE, 4 March 1853.
142. GLOBE, 15 March 1853.
143. MORNING CHRONICLE, 4 March 1853.
144. GLOBE, 15 March 1853.
145. MORNING CHRONICLE, 4 March 1853.
146. GLOBE, 15 March 1853.
147. MORNING CHRONICLE, 4 March 1853.
148. GLOBE, 15 March 1853.
149. MORNING CHRONICLE, 4 March 1853.
150. GLOBE, 15 March 1853. The ellipsis represents illegible words.
151. MORNING CHRONICLE, 4 March 1853.
152. GLOBE, 15 March 1853.
153. MORNING CHRONICLE, 4 March 1853.
154. GLOBE, 15 March 1853.
155. IBID.
156. MORNING CHRONICLE, 4 March 1853.
157. GLOBE, 15 March 1853.
158. MORNING CHRONICLE, 4 March 1853.
159. GLOBE, 15 March 1853.
160. MORNING CHRONICLE, 4 March 1853.
161. GLOBE, 15 March 1853.
162. IBID.
163. IBID.
164. IBID.
165. IBID.
166. IBID.
167. IBID.
168. IBID.
169. MORNING CHRONICLE, 4 March 1853.
170. GLOBE, 15 March 1853. MORNING CHRONICLE, 4 March 1853, reported that:
"The hon. member dilating on this condition of things contended that the elections might be carried by the minority, and that was a necessary infirmity of Democratic institutions."
171. GLOBE, 15 March 1853.
172. MORNING CHRONICLE, 4 March 1853.
173. GLOBE, 15 March 1853.
174. MORNING CHRONICLE, 4 March 1853.
175. GLOBE, 15 March 1853. MORNING CHRONICLE, 4 March 1853, reported that:
"To attempt to destroy equality of representation between Upper and Lower Canada, was to demand a repeal of the union. Lower Canada would never consent to have the equality of representation destroyed."
176. GLOBE, 15 March 1853.
177. MORNING CHRONICLE, 4 March 1853.

178. GLOBE, 15 March 1853.
179. MORNING CHRONICLE, 4 March 1853.
180. GLOBE, 15 March 1853.
181. MORNING CHRONICLE, 4 March 1853.
182. GLOBE, 15 March 1853.
183. MORNING CHRONICLE, 4 March 1853. LA MINERVE, 8 March 1853, reported that: "M. Richards. Si un bill contenant cette disposition passait, il faudrait législater de nouveau tous les cinq ou six ans, afin d'ajuster sans cesse."
184. GLOBE, 15 March 1853.
185. MORNING CHRONICLE, 4 March 1853.
186. GLOBE, 15 March 1853.
187. MORNING CHRONICLE, 4 March 1853.
188. GLOBE, 15 March 1853.
189. IBID.
190. IBID.
191. IBID.
192. IBID.
193. MORNING CHRONICLE, 4 March 1853.
194. GLOBE, 15 March 1853.
195. MORNING CHRONICLE, 4 March 1853.
196. GLOBE, 15 March 1853.
197. IBID.
198. IBID.
199. MORNING CHRONICLE, 4 March 1853.
200. GLOBE, 15 March 1853.
201. MORNING CHRONICLE, 4 March 1853.
202. GLOBE, 15 March 1853.
203. MORNING CHRONICLE, 4 March 1853.
204. GLOBE, 15 March 1853.
205. MORNING CHRONICLE, 4 March 1853. The reporter concluded Mr. Mackenzie's speech stating that: "Here the honorable member made some discursive and personal remarks which the reporter found ... impossible to follow."
206. MORNING CHRONICLE, 4 March 1853.
207. GLOBE, 15 March 1853.
208. MORNING CHRONICLE, 4 March 1853.
209. GLOBE, 15 March 1853.
210. IBID.
211. IBID.
212. MORNING CHRONICLE, 4 March 1853.
213. GLOBE, 15 March 1853.
214. MORNING CHRONICLE, 4 March 1853.
215. GLOBE, 15 March 1853.
216. MORNING CHRONICLE, 4 March 1853.
217. GLOBE, 15 March 1853.
218. MORNING CHRONICLE, 4 March 1853.
219. GLOBE, 15 March 1853.
220. MORNING CHRONICLE, 4 March 1853.
221. IBID.
222. GLOBE, 15 March 1853.
223. MORNING CHRONICLE, 4 March 1853.
224. GLOBE, 15 March 1853. The following papers erroneously attributed this speech to Mr. Gamble: PILOT, 10 March 1853, NORTH AMERICAN SEMI-WEEKLY, 18 March 1853, and NORTH AMERICAN WEEKLY, 24 March 1853.
225. MORNING CHRONICLE, 4 March 1853.

226. GLOBE, 15 March 1853. MORNING CHRONICLE, 4 March 1853, reported that Mr. Cameron "read an extract from the Globe in which it was stated that it was ungenerous and unjust for Upper Canada to demand representation according to population after she had so long enjoyed a superiority in the representation, and what was more, if this were not so it would be impracticable to demand the carrying out of this principle." GLOBE, 15 March 1853, interjected a commentary in Mr. Cameron's speech which stated that: "This passage is most unfairly extracted from a long editorial, written immediately after the rejection of the Representation Bill in which the Government and Parliament were urged to address the Queen, praying for 'a change of the Union Act withdrawing the two-thirds restriction clause.' In that article it is stated that 'the Reformers of Upper Canada are in favour of population being the chief basis of representation'--and in the article preceding, on the same subject, it is contended that there is 'force in the argument of those who contend that the sole basis of representation should be the number of electors, and that with the increase of population the Representatives should also increase.' These passages, with his usual disingenuousness, the hon. President suppressed. Had the articles been read fairly, they would have been seen to harmonise perfectly with Mr. Brown's present position.--ED. of GLOBE [G. Brown]."
227. GLOBE, 15 March 1853.
228. MORNING CHRONICLE, 4 March 1853. NORTH AMERICAN WEEKLY, 17 March 1853, reported that: "Brown had no objection to 150 members when he was the pliant organist of the Lafontaine-Baldwin Government, but, as he said when Mr. Cameron quoted the Globe in favor of dealing justly with the French Canadians and respecting their Institutions,--'circumstances have changed since then'! The shouts of laughter with which this candid admission was received by the House are not mentioned by the Reporters. Those present, however, will not soon forget these, nor will Mr. Brown."
229. GLOBE, 15 March 1853.
230. MORNING CHRONICLE, 4 March 1853.
231. GLOBE, 15 March 1853.
232. IBID.
233. MORNING CHRONICLE, 4 March 1853. GLOBE, 15 March 1853, reported that Mr. Badgley "spoke generally in condemnation of the bill, but in such a low tone that his words were hardly audible."
234. GLOBE, 15 March 1853.
235. MORNING CHRONICLE, 4 March 1853.
236. GLOBE, 15 March 1853.
237. MORNING CHRONICLE, 4 March 1853.
238. GLOBE, 15 March 1853.
239. IBID.
240. MORNING CHRONICLE, 4 March 1853.
241. GLOBE, 15 March 1853.
242. MORNING CHRONICLE, 4 March 1853.
243. GLOBE, 15 March 1853.
244. MORNING CHRONICLE, 4 March 1853.
245. GLOBE, 15 March 1853.
246. MORNING CHRONICLE, 4 March 1853.
247. GLOBE, 15 March 1853.
248. MORNING CHRONICLE, 4 March 1853.
249. GLOBE, 15 March 1853.
250. MORNING CHRONICLE, 4 March 1853.
251. IBID.
252. IBID.

253. GLOBE, 15 March 1853.
254. MORNING CHRONICLE, 4 March 1853.
255. GLOBE, 15 March 1853.
256. MORNING CHRONICLE, 4 March 1853.
257. GLOBE, 15 March 1853.
258. MORNING CHRONICLE, 4 March 1853.
259. MORNING CHRONICLE, 4 March 1853, reported: "ayes, 14; nays 55."
260. GLOBE, 15 March 1853.
261. IBID.
262. This Notice of Motion was reported in identical accounts by: MORNING CHRONICLE, 7 March 1853, and GLOBE, 15 March 1853.
263. MORNING CHRONICLE, 7 March 1853.
264. This Notice of Motion was reported in identical accounts by: MORNING CHRONICLE, 7 March 1853, and GLOBE, 15 March 1853.
265. MORNING CHRONICLE, 7 March 1853.
266. GLOBE, 15 March 1853.
267. This Notice of Motion was reported in identical accounts by: MORNING CHRONICLE, 7 March 1853, and GLOBE, 15 March 1853.
268. MORNING CHRONICLE, 7 March 1853.
269. This Notice of Question was reported in identical accounts by: MORNING CHRONICLE, 7 March 1853, and GLOBE, 15 March 1853.
270. MORNING CHRONICLE, 7 March 1853.
271. The following papers reported this Question and Answer in identical accounts: MORNING CHRONICLE, 4 March 1853, BRITISH COLONIST, 11 March 1853, HAMILTON SPECTATOR DAILY, 11 March 1853, and HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1853. It was also reported by GLOBE, 12 March 1853.
272. GLOBE, 12 March 1853.
273. IBID.
274. The following papers reported this Withdrawn Motion in identical accounts: MORNING CHRONICLE, 4 March 1853, BRITISH COLONIST, 11 March 1853, HAMILTON SPECTATOR DAILY, 11 March 1853, and HAMILTON SPECTATOR SEMI-WEEKLY, 12 March 1853.
275. MORNING CHRONICLE, 4 March 1853.

THURSDAY, 3 MARCH 1853.

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MR. SPEAKER communicated to the House the following Letters addressed to the Clerk of this House by Frederick Widder, Esquire, Commissioner of the Canada Company, on the subject of the Order of the House of the 8th November last, calling for a Statement of the Affairs of the said Company:--

Canada Company's Office,

Toronto, 25th November, 1852.

Sir,--I have the honor to acknowledge the receipt of your letter of the 16th instant, enclosing copy of an Order made by the House of Assembly on the 8th instant, in reference to the Canada Company's Affairs, which will have our attention.

I have the honor to be, Sir,

Your most obedient Servant,

Wm. B. Lindsay, Esquire,

Fred. Widder, Commissioner.

Clerk, Legislative Assembly, Quebec.

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Canada Company's Office,

Toronto, 8th February, 1853.

Sir,--I have already acknowledged the receipt of your letter communicating to me the Order of The Honorable the Legislative Assembly, that you should apply to us for various Statements upon the Affairs of the Canada Company; I have now the honor to state that after having given the numerous matters upon which information is asked for, my best consideration, I find that not only would the labor, time, and expense, required in their preparation be extremely great, but that the extent of the inquiry involves matters in which the personal and private interests of the Proprietors of the Company are concerned, and upon which I cannot furnish information, except with their consent.

I would further beg to state that Her Majesty's Government have been regularly furnished with all such Accounts and Statements as the Company have been required to supply, and that if it should be the desire of the Legislative Assembly, I shall be happy to transmit to you, as soon as they can be received from England, the several Reports that have been made by the Directors to the Proprietors up to the present time.

I have the honor to be, Sir,

Your most obedient Servant,

Fred. Widder, Commissioner.

W. B. Lindsay, Esquire,

Clerk, Legislative Assembly, Quebec.

Mr. Speaker laid before the House, the Accounts of the Trustees of the Montreal Turnpike Roads, to 31st December, 1852.

For the said Accounts, see Appendix (G.)

And also, Statement of the Affairs of the Great Western Railroad Company.

For the said Statement, see Appendix (I.)

The following Petitions were severally brought up, and laid on the table:--

By Sir Allan N. MacNab,--The Petition of the Great Western Railroad Company; and the Petition of the Mayor, Aldermen and Commonalty of the City of Hamilton.

By Mr. Johnson,--The Petition of C. J. Forbes, Esquire, and others, of St. Andrews, County of Two Mountains.

By Mr. Taché,--The Petition of the Reverend Cyprien Tanguay and others, of the Parish of St. Germain, County of Rimouski.

By Mr. Stevenson,--The Petition of George Arthur and others, of the Town-

ship of Hillier.

By the Honorable Mr. Rolph,--The Petition of William McClellan and others, of the Township of Middleton; and the Petition of the St. Thomas Branch of the Agricultural Society of the United Counties of Middlesex and Elgin.

By the Honorable Mr. Merritt,--The Petition of the Reverend A.F. Atkinson, Chairman, and others, Members of the Board of Trustees for the Grammar School at St. Catharines [sic]; and the Petition of James W.O. Clark and others, of the Counties of Lincoln and Welland.

Pursuant to the Order of the day, the following Petitions were read:--

of Antoine Lajoie and others, of the Township of Shawenegan, District of Three Rivers; complaining that through the negligence of the Government Agent they have sustained loss in the cutting of timber on the lots occupied by them and for which they have location tickets, and praying for indemnity in the premises.

Of John Fraser, Esquire, and others, of the City of Quebec; praying that the Road known as the Cove Road may be extended as far as Cap Rouge.

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Of the St. Lawrence and Atlantic Railroad Company; praying that the Petition of S.S. Foster, Esquire, and others, for an Act of Incorporation for the construction of a Railroad from opposite the City of Montreal *viâ* Chambly and the outlet of Lake Memphremagog to the Province Line, be not granted, and that they be heard by Counsel at the Bar of the House previous to any action with reference [to] the said Petition.

Of the Municipal Council of the United Counties of Wellington, Waterloo, and Grey; praying for the passing of an Act to legalize such By-Laws of the late District and County Councils as have been quashed by the Court of Queen's Bench.

Of William Henry Beresford, of the City of Toronto, Esquire, late a Captain in the Rifle Brigade; setting forth: That in the month of July, in the year of our Lord one thousand eight hundred and fifty, the Petitioner was married to Catharine Lawrence his now wife, at that time living in Montreal, Spinster: That the Petitioner and the said Catharine Lawrence lived and co-habited together as man and wife from the time of their marriage until the month of May, in the year of our Lord one thousand eight hundred and fifty-one: That unhappy differences, caused by great violence of temper and uncontrollable bursts of passion on the part of the said Catharine Lawrence, during which the Petitioner's life was endangered, rendered it impossible for them to continue to reside together, and after consultation with friends, and a negotiation of several months, it was agreed between them to live separate and apart; and the Petitioner communicated the unfortunate state of his family affairs to the brother of the said Catharine Lawrence, her only surviving relative, who came to this Province at the time the separation took place, and with whom the said Catharine Lawrence left the abode of the Petitioner to return to Halifax in the Province of Nova Scotia, her native place, in the month of July, one thousand eight hundred and fifty-one: That for some time after the departure of his said wife, the Petitioner was kept in ignorance of her place of residence, although it was stipulated at the time of the separation that he should always be made aware of the same; subsequently the Petitioner was told by her Agent that she resided at Rochester, in the State of New York, and upon enquiry was informed that she resided in the neighbourhood of Rochester with her brother: That during the winter of 1851, the Petitioner was satisfied that her brother was residing with her, although at the same time a person by the name of Daniel Gallagher, formerly (and while the said Catharine Lawrence, the Petitioner's wife, was living with the Petitioner) a servant in the Petitioner's employment, was also an inmate of the same house, and was called by Petitioner's wife her half-brother: That in

the early part of last summer the Petitioner had reason to believe that his wife had entered into and carried on an unlawful familiarity and criminal intercourse with the said Daniel Gallagher, and while the Petitioner was taking the necessary steps to satisfy himself of her guilt and obtain proof thereof, she suddenly disappeared from her residence, but was subsequently traced to the City of Rochester, where she and the said Daniel Gallagher passed as man and wife, under the name of Mr. and Mrs. Daniel Bradfield, and whither she had gone, as the Petitioner learned, to be delivered of a child: That finding herself discovered, she returned home to her residence near Rochester, and on the fourteenth day of August, one thousand eight hundred and fifty-two was delivered of a female child, which child died on the thirteenth day of January now last past: That in consequence of the residence abroad of the said Daniel Gallagher, the Petitioner was unable to institute legal proceedings against him for such criminal conversation with his said wife, with a view to the present application to the House: That the said Catharine Lawrence hath, by her criminal and adulterous behaviour as aforesaid, dissolved on her part the Bond of Marriage; and praying the House, that leave may be given to bring in a Bill to dissolve the marriage of the Petitioner with the said Catharine Lawrence, and to enable him to marry again, and that he may have such other relief in the premises as the House shall think proper.

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Of Théophile H. Pacaud, Esquire, of the Parish of St. Maurice, County of Champlain; complaining of the conduct of Joseph E. Turcotte, Esquire, in his capacity of Queen's Counsel, Chief of Police, President of the Court of Quarter Session, practising Advocate, and Member of the Legislative Assembly, and praying an investigation in the premises.

Of the Municipal Council of Municipality Number one of the County of Rimouski; praying for the establishment of a Circuit Court at the Parish of St. Jean Baptiste de l'Isle Verte.

Of Robert Blackwood and others, of that part of Canada lying between the Galt Junction of the Great Western Railway and Malden on the Detroit River, of A.B. Bennett and others, of the Province of Canada; and of James Kerby and others, of that part of Canada lying between Galt Junction of the Great Western Railway and Malden on the Detroit River; praying for an Act of Incorporation to enable them to construct a Railway from the said Junction to Malden aforesaid.

Of the Municipality of the Village of St. Thomas; praying that the Representation Bill may be amended by making Population its basis, and that the said Village be included in the County of Elgin.

Of John Smith and others, of the Village of Paris; praying for an Act of Incorporation under the name of "The Paris Hydraulic Company," for the construction of a Dam across the Grand River of the said Village.

Of the Municipality of the Township of Pelham; praying that the Bill relating to the Counties of Lincoln and Welland, and having for its object the permanent reunion of the said Counties for Judicial purposes, may not pass into law.

Of George S. Wilkes and James Kerby of the Town of Brantford; praying for an Act of Incorporation to enable them to create Hydraulic power for manufacturing purposes at the said Town.

Of James Morris and others, of the United Counties of Leeds and Grenville; praying for an Act to incorporate a Company for the construction of a Railway, to be called "The Brockville and Ottawa Railway," and that certain unsurveyed Lands above or near Pembroke be granted in aid thereof.

Of Jacob DeWitt, Esquire, and others, American Presbyterians, of the City of Montreal; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the St. Lawrence Canals.

Of the Municipal Council of the County of Kent; praying for the repeal of the 19th Section of the Common School Act, which provides for Sectarian Schools, and also for certain other amendments to the said Act.

Of the Municipal Council of the County of Kent; praying for certain improvements in the navigation of the Rivers Thames and Sydenham, and McGregor's Creek.

Of the Municipal Council of the County of Quebec; praying that a Registry Office more permanent and safer than the one hitherto used may be provided for the said County.

Of His Grace the Archbishop of Quebec, and others, of the City of Quebec; praying for an Act to incorporate a Company for the construction of a Bridge across the River St. Lawrence, opposite or near to the said City.

Ordered, That the Petition of Joseph Laurin, Esquire, and others, of that part of the Parish of L'Ancienne Lorette which lies within the County of Quebec, be committed to the Committee of the whole House on the Bill to enlarge the Representation of the People of this Province in Parliament.

On motion of Mr. Smith of Frontenac, seconded by Mr. Seymour,
Resolved, That an humble Address be presented to His Excellency the Gover-

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nor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of any Communication which may have been addressed to Members of the Legislative Council on the subject of Indemnity to Members to that Honorable House.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Gouin have leave to bring in a Bill to declare valid the Indentures of Law Students enregistered within a certain period after the delay granted by the Act to incorporate the Bar of Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Order of the day being read, for taking into further consideration a Motion made on Tuesday last, That this House doth concur with the Select Committee on the Mégantic Election Petitions, in a Resolution adopted by the said Committee.

Mr. Brown moved, seconded by the Honorable Mr. Young, and the Question being put, That the further consideration of the said Motion be postponed till Monday next; the House divided:--And it passed in the Negative.¹

MR. SICOTTE said that as chairman of the committee of the contested election for Mégantic, it devolved on him to state in support of the report and motion before the house, that the committee had since the return of the absent member to his duties, had one meeting, at which an objection was made by the petitioner, which objection had been over-ruled, but that as an act of courtesy to him the committee had deemed it advisable to ask the concurrence of the house to the decision they had come to:--that the absence of one of their members--such absence not having been in the estimation of the majority of the committee in the nature of unavoidable circumstances,--did not affect the standing and validity of its acts.²

MR. H. SMITH of Frontenac spoke at some length, appealing to the books in support of his opinions that sickness was in the sense of the law an unavoidable cause of absence, and that the reduction of the committee having been for more than three days, necessarily dissolved it, and invalidated any

further proceedings by the same committee. He would have liked to hear the reasons of the chairman of the committee for coming to the conclusion they had done.³

MR. SICOTTE referred to several clauses of the act in support of his views, and that as the member for Missisquoi had not produced a certificate from his medical attendant, verified on oath, which the law imperatively required, and as he had in fact, resumed his duties in the committee, and that the ends of justice could be best carried out by it as at present constituted, the committee having had before them all the arguments on the point submitted, and taken the case en délibéré, he was of opinion that the committee ought to be sustained.⁴

MR. STUART considered this a subject of the highest importance--he entirely differed with the member for Frontenac. A point indeed not dissimilar in the Toronto election,--had been decided by the Committee on different grounds to those held by that gentleman.--He maintained that the house should never put it in the power--nor give countenance to the assumption that any one individual might exercise the right (which such doctrines would give)--that a mere pretence of sickness would be sufficient to upset a committee and invalidate all its previous labors. Upon this principle at any stage of its proceedings, a member, judging of the result of the investigation, by the nature of the evidence and facts, might absent himself, sham sickness, and dissolve a committee. He did not say this had actually been the case in this instance only that such might be the case,--and the doctrines held by the member for Frontenac would encourage future delinquencies of such a nature. The only subject under the consideration of the Mégantic Election Committee was a legal quibble whether the omission of the Returning Officer to put his name to the declaration of qualification of the sitting Member was sufficient in law to invalidate his election:--much time and consideration had been devoted to the question, witnesses had been examined and the evidence tended to prove that the sitting member had done all that the law required of him and in the manner prescribed by law, and it would be a great injustice at this ... stage of the proceedings, when his opponent had closed his case on the point submitted and saw that the evidence and all the facts were against him, to upset the labours of the Committee and involve the sitting member and the country in renewed labours and expenses, in the prosecution of which it would take a couple of months to arrive at the same state as the case now stood.⁵

MR. MACKENZIE had long been of opinion that the present system was cumbrous and defective. A much better plan would be to have preliminary proceedings heard before Judges of the County Courts, and the result sent to the clerk of the house. This was the practice in the United States, and worked admirably. He knew of nothing more likely to breed contempt than the absurd practice of bringing to the bar of the house, members who for temporary absence or otherwise had transgressed its rules.⁶

MR. BADGLEY referred the house to several clauses of the election law to prove that the house had no power to interfere with the functions of the committee. It had delegated powers which it could not revoke, and from whose decision there was no appeal. There was no evidence before the house to justify the opinion that the absence of the member for Missisquoi was "unavoidable." The certificate of a medical man required by law and "verified on oath"--had not been produced. By the 154th clause of the Act, the Committee was invested with great discretionary powers, in order that the ends of justice might not be frustrated by the contumacy of members and that the interests of all parties might be maintained.⁷

MR. AT. GEN. DRUMMOND was of opinion that the Committee having been reduced below the number three by the sickness of one of its members, and for three consecutive days, it could not legally act, and was consequently by law dissolved.⁸

MR. TURCOTTE and MR. SOL. GEN. CHAUVEAU, took the part of the Attorney General East.⁹

MR. DIXON said that as seconder of the motion he felt bound to say a few words in support of it. He could safely aver that his honorable colleague and chairman had devoted a great deal of attention to the subject, and he fully agreed with him that the construction they had jointly put on the spirit and wording of the act, bore them out in the conclusion to which they had come, that no proof or justification existed, to warrant a dissolution of the Committee. The member for Missisquoi had certainly been absent from his duties both in the House and in Committee, and he had even transmitted a letter to the speaker, which to some extent accounted for his absence, but as he therein stated that he purposed being at his post in the same week, and inasmuch as no legal proof vouching for the accuracy of the statement accompanied that letter--the verification on oath by the Medical attendant required by law--they could not receive the apology, and came to the conclusion that the alleged cause of absence was not "unavoidable." He would endeavour to explain by supposing a case; it might be that the honorable member opposite who had spoken last, or himself even, were condemned to suffer death--but that the testimony of the absent member would avert the evil--would it be pretended that the illness complained of was of a nature so serious as to prevent his being brought to Quebec, by some extra precaution, and an easy conveyance. They had no proof to the contrary, and therefore could not act otherwise than they had done.¹⁰

MR. J. SMITH (of Durham,) took the same view of the case as the member for Quebec (Stuart) and would support the committee.¹¹

MR. LEMIEUX was inaudible from the reporter's box--but we understood him to say that he approved of the remarks made by the member for Frontenac.¹²

MR. BADGLEY again pointed out in very forcible terms that the house had no power to interfere with the decision of the committee;--that election committees had powers conferred on them by the law, enabling them to act without reference to the opinion of the house in any respect whatever--the Committee was de facto in being--for all the members were present, and ready to act, and had acted since they had ... been joined by the absent member, who had offered no justification recognized by the laws for his absence, nor any that the house could for a moment entertain.¹³

MR. CAUCHON was a confrere and personal friend of the petitioner, therefore could not be accused of partiality to the sitting member, but he really could not see his way clear to negative the decision of the committee--especially if, as represented,--no certificate, verified on oath, had been produced as a justification of absence, which the law imperatively required.¹⁴

MR. PAIGE explained to the house the reasons why he had not been able to attend--and his regret that it had given rise to inconvenience; but, that he had acted since his return and was ready again to act, if the house concurred with the committee.¹⁵

MR. GAMBLE thought that the house had no power to interfere with the committee, and that it ought to proceed.¹⁶

MR. J.A. MACDONALD (Kingston) made some remarks to the effect, that the report of the committee was altogether uncalled for--and the proceeding out of

order.¹⁷

MR. H. SMITH of Frontenac again rose and said that since he first spoke on this question, it had come to his remembrance, that on a more recent occasion than those to which he had previously alluded, to wit in the contested election of Mr. Hincks in 1846, the Parliament of Canada had taken a quite different course of action and had ruled on his own motion (which he announced [*sic*] with a hearty chuckle) seconded by Mr. Chauveau, that the absence of a Member without permission did not necessarily dissolve the Committee. In the case now under consideration, he was disposed to think that as the Member had resumed his duties before the house had been appealed to, the Committee ought not to be disturbed.¹⁸

SIR A. MACNAB thought that the house was quite out of order in interfering with the powers of the committee--powers which were expressly defined by the law,--and he called on the speaker to say whether the motion before the house was one of which the house could take cognizance.¹⁹

MR. J.S. MACDONALD the SPEAKER after consulting the clause in the statute bearing on the question, was of opinion that the house had no right to interfere with the committee or in any way to interpose its authority. The powers of the committee were sufficiently ample and independent to enable them to decide any questions submitted to them without appeal.²⁰

MR. AT. GEN. RICHARDS attempted to address the house²¹.

[He] was silenced by loud murmurs of dissent and cries of order--Chair, chair.²²

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*Mr. Speaker then declared that, in his opinion, the Motion for confirming the Resolution of the said Committee should not be entertained by the House, inasmuch as he considered that the Committee having had the power conferred upon them to decide the Question, the House should not interfere.*²³

A Message from the Legislative Council, by John Fernings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to incorporate the Society for the erection of an Hotel in the City of Quebec," with several Amendments, to which they desire the concurrence of this House.

And then he withdrew.

Mr. Lemieux, from the Standing Committee on Standing Orders, presented to the House the Twenty-fourth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of the Reverend Alexander Sanson and others, for incorporation of the Upper Canada Religious Tract and Book Society; of James S. Howard and others, for incorporation of the Upper Canada Bible Society; and of the Municipal County of Essex and Lambton, for power to assess the County of Essex for the erection of a Gaol and Court House, &c., and find that the requisite Notices have been given.

On the Petition of A.M. Delisle and others, for incorporation of a Company for construction of a Railway from Montreal to Bytown by Isle Jésus, Your Committee find that the only Notices published are those in the Montreal Gazette, since the 20th February, and in the Montreal Minerve, since the 18th February.

The Petitions of the Bar of Lower Canada (Montreal Section,) for an Act to amend their Act of Incorporation by increasing certain fees; and of the Montreal Manufacturing Company, for an increase of their Capital and extension of certain privileges, Your Committee find to be respectively of such a nature as to re-

quire Notice, which has not been given.

*The House, according to Order, resolved itself into a Committee on the Bill to modify the Usury Laws;*²⁴

On motion of MR. BROWN, the House went into Committee of the Whole on the Bill to amend the Usury Laws.²⁵

MR. MALLOCH ... [took] the chair.²⁶

The motion for the adoption of the first clause [was put]²⁷.

MR. LAURIN moved that the committee rise and report progress.²⁸

Amid a great deal of confusion, the motion was put and lost by a majority of 28 to 22.²⁹

The motion for the adoption of the first clause was then put.³⁰

MR. MACKENZIE opposed the clause; declaring that in this country people could not afford to pay more than 6 per cent.³¹ [He] was astonished that the member for Kent had brought in this motion. He had always suspected that he was not a real reformer, for although he had a few hobbies on which he played very prettily he was on a question like this, on the side opposed to the interests of the mass of the people, and he was confident that in the long run, he would be found³² to be what he was when he came to the country, a friend to the aristocracy. He demanded whether any free States in Europe or America had repealed the Usury laws.³³

DR. FORTIER again moved that the Committee rise.³⁴

MR. J. SMITH (Durham) said that in most of the older States they had legislated in the spirit of this act, and that in the newer States the legal rates of interest ran as high as ten or 12 per cent., and in California 8 per cent. He then went over the other States in order to show the same fact was true there. He found there was a desire to defeat this bill by a hasty vote, because at the moment there was a majority against the bill. Now he asked the hon. members from Lower Canada whether that was a fair way to act, when it had been carried once in Upper Canada by a majority of Upper Canada, and in the present Session, had passed the second reading by a majority of the whole House.³⁵

Cries of "question, question" from the French members.³⁶

MR. BROWN said "not quite yet."³⁷ [He] said the bill had at that moment a majority in the House; but there was no intention to take a division until one or two others had arrived who would increase the majority, so they might as well discuss the thing decorously. He then went on to give it as his opinion that the relaxation of the existing laws would reduce the rate of interest. He proceeded to point out the absurdity of the present law, which, while it prevented a man from lending money at more than 6 per cent., permitted him to create a mortgage and sell it at a large discount.³⁸ He considered the law as perfectly inoperative except for evil: there was not a member of the House who had not either given or received Usury or been personally cognizant of such a case. (Oh, oh, oh.)³⁹ As some religious feeling had been felt on this subject, he read a statement of a Catholic Priest, who showed that at Rome the canons of the church were so interpreted as to allow the taking of usury.⁴⁰ He concluded by saying that hon. gentlemen who were so fiercely opposed to this Bill might as well give in. There was a majority in favour of it, and they had resolved to "put it through" to-night. True, there was not a majority in the House at that moment from the mustering of the forces that had been going on on the opposite side for the last quarter of an hour--

but messengers had been despatched for the absentees, and they proposed to keep up the discussion until their arrival. (Laughter.)⁴¹

MR. SICOTTE s'est déclaré en faveur de la mesure proposée parceque, selon lui, elle ne permet que ce qui se pratique aujourd'hui, en dépôt des lois existantes. Il dit que dans son voisinage personne ne prête d'argent à 6 pour cent, et celui qui ne prend que 12 pour cent est considéré comme un bon garçon par les emprunteurs (hilarité.)⁴² Now he did not desire this state of things, and would vote for the present law because he did not desire to have the rates of interest raised above 6 per cent. At present it was impossible to punish the usurer, and yet the risk he ran of large loss if punished forced him to charge some to assure himself. The present law simply prevented him from recovering more than 6 per cent before the tribunals. This without imposing a penalty too high to be enforced, enabled the borrower to escape from any excess of charge over the 6 per cent.⁴³

MR. PAIGE said that in his section of the country he had had some experience in the Usury Laws⁴⁴, the advantages of lending money, and disadvantages of borrowing it. Fifteen or sixteen years ago he had commenced manufacturing and sometimes had to borrow as much as £5000. Sometimes he could borrow at the Banks; but not when he wanted it most, for then they were tight themselves. Then he had to go to other monied men, who would lend him, if he would give something extra, and the only way that could be done safely was by deeding away his property with a right to redeem it at a certain rate thereafter.⁴⁵ But then he was obliged to give a mortgage on his property for a much larger sum than he received, so that he generally had to pay 8 per cent.⁴⁶ Thus he got money and used it profitably at 8 per cent⁴⁷. Now if the Usury Law was done away with, it would be better for the poor, for in many cases the poor man lost his property from not being able to get a little money when he wanted it without putting his farm into the hands of the usurer. He was confident that the repeal of the Usury Law would be of advantage to the poor man in very many ways.⁴⁸

COL. PRINCE intended to vote for the bill. He knew that the abolition of these laws, by enableing [sic] enterprising people to borrow would increase manufactories like his friend Mr. Bell's Pottery, where if he could establish his son by borrowing money at 10 per cent, he felt quite certain that his son could make a profit of 25 per cent.⁴⁹

DR. FORTIER complained of the immorality of this bill, and of the conduct of gentlemen, who having always voted against similar bills were now going to vote for this. He would not enlarge; but he would just mention this one objection: it permitted men to borrow money at a higher rate than 6 per cent; but exempted him, if he did do so from paying it. That was dishonest.⁵⁰

MR. MARCHILDON ... [made] some remarks ... against the bill⁵¹.

A motion that the Committee do rise was negatived.⁵²

MR. TURCOTTE contended that if the bill were passed it would create great dissatisfaction in Lower Canada, and members who voted for it, would never be returned again to that House.⁵³

MR. DUMOULIN (in French) condemned the bill as immoral.⁵⁴

MR. CHAPPAIS (in French) protested against the bill warmly. He said it would be the ruin of Lower Canada and that his constituents had prayed him to raise all his influence to prevent the passage of the bill. He knew it would ruin hundreds of families. It would legalize usury. It would destroy the odium in which usury was held. At present the worst insult that could

be offered to a man was to say that he was a usurer, but that would be done away with if the present bill became a law. He prayed that it might not be applied to Lower Canada. He warned French Canadian members that their names would long be a reproach if they supported this bill.⁵⁵

DR. FORTIER said, he would move that it be confined to Upper Canada.⁵⁶
Cries of no.⁵⁷

MR. COM. PUB. WORKS CHABOT (in French) spoke against the bill. He contended that it would be most disastrous to Lower Canada, and that he would vote against it in all its forms. He argued that in years of bad harvest the habitants were forced to borrow money to support their families, and that if they were obliged to pay usurious rates for it, they would be ruined.⁵⁸

MR. YOUNG's only objection to the bill was that it did not go far enough.⁵⁹ [He] thought that on this question there was a great deal of misunderstanding among the members for Lower Canada. If the farmer was able to give his farm in security to the money lender he might then get money at the rate of from seven to eight per cent., while as it is, not being able to give security for money at a higher rate of interest than was allowed by the law, he is frequently charged fifty and even one hundred and sixty per cent. Such was the effect of the Usury Laws in Lower Canada.⁶⁰

MR. MACKENZIE opposed the bill, and condemned the principle of usury as most pernicious. The subject was of the deepest importance to the country. It was the cause of the yeoman against the usurer and sharper.⁶¹ [He] contended that the present abundant supply of money could not continue, and then the effect of repealing the Usury Laws would be felt. The House was getting filled with agents of usurious companies like the Canada Company or the Trust and Loan Company to such an extent that was doing great injury to the country. It was, he said, one of the most beautiful features of the Roman Catholic Church that it had always opposed the repeal of the Usury Laws. It was possible that by the agents and bank directors, and stock jobbers in the House that they might get a majority, but England ought to interfere to protect the farmers of Canada. The minority of the people were rich and they combined to oppress the majority who were poor. It was said that the way to bring money into the country was to repeal the Usury Laws, but he told them that the way to bring money into the country was to take care of the expenditure of the public money, and for the heads of departments and municipalities to do the same.⁶² The hon. member continued to speak at some length against the bill.⁶³

The discussion went on in a desultory manner, the noise in the House being often louder than the voice of the speakers⁶⁴.

MR. ROBINSON denied the accusation against the Canada Company, which was rather ill-timed, as he (Mr. Robinson) was going to vote against the Bill.⁶⁵

MR. H. SMITH gave notice that if the bill passed he should move a clause to prevent it applying to Banks and other chartered institutions. He considered that the bill now before the House would have no effect, for it would only enable the recovery of the same sum as at present.⁶⁶

MR. RIDOUT would not support the proposed clause, unless the tax on chartered banks was done away with. He was in favour of the bill, and knew that his constituents approved of his conduct.⁶⁷

MR. BROWN would have no objection to the amendment but he thought the charters of the banks already limited the rate of interest they should take to 6 per cent.⁶⁸ [He] said, that the difference between his bill and the

existing law was, that by the latter neither interest or principle [sic] in a usurious transaction could be recovered--and also that the amount of three times the principle [sic] would be forfeited--while under the former the principle [sic] and 6 per cent. interest could be recovered, but no more.⁶⁹

The first enacting clause was carried, yeas 35, nays 29.⁷⁰

The second clause was carried yeas 26, nays 21.⁷¹

The third clause was carried yeas 25, nays 22.⁷²

MR. H. SMITH of Frontenac, moved the additional clause of which he had given notice⁷³.

[Motion] carried.⁷⁴

MR. LEBLANC then moved, seconded by MR. MACKENZIE, that the bill should only apply to traders or persons engaged in trading⁷⁵.

Motion lost yeas 21, nays 28.⁷⁶

MR. TURCOTTE moved another amendment to the same effect as the previous one.⁷⁷

Motion lost, same disision [sic].⁷⁸

MR. MACKENZIE moved an amendment, that the act remain in operation for one year only, so as to make it necessary to renew the act every session of Parliament.⁷⁹

Lost, yeas 22, nays 29.⁸⁰

MR. TURCOTTE moved that the act apply to Upper Canada only.⁸¹

MR. CAUCHON opposed the amendment. He said the effect would be to drive all the Capital of Lower Canada, to Upper Canada.⁸²

MR. H. SMITH (Frontenac) hoped that gentlemen from Lower Canada would not leave the Upper Province alone in the operation of this law, as he wished to see some of the distinction done away with between Upper and Lower Canada. Lower Canada had taken Upper Canada for better or worse; she had got her Public Works, and Upper Canada had got the money of Lower Canada. (Laughter.)⁸³

MR. SOL. GEN. CHAUVEAU hoped that the supporter of this measure would not insist in forcing it upon Lower Canada when so large a number of the representatives of that part of the Province were opposed to it. If the measure answered well in Upper Canada, it would soon be adopted in Lower Canada, if, on the contrary, it failed, they could avoid it.⁸⁴

MR. BROWN said, that when Mr. Sherwood, in 1849, introduced a similar measure, Mr. Chauveau refused to permit its application to Upper Canada alone, for the same reason urged by the hon. member for Montmorenci, that it would draw all the capital from Upper Canada, and now he urges us to apply it solely to Upper Canada.⁸⁵

Motion put and lost⁸⁶, yeas 17, nays 32.⁸⁷

The committee then rose⁸⁸.

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr.

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Malloch reported, That the Committee had gone through the Bill, and made an amendment thereunto.

The motion for the reception of the report [was put]⁸⁹.

MR. GAMBLE moved in amendment⁹⁰ that the report be now received, but that⁹¹ the bill be referred back to the committee, with instructions to appoint a select committee to inquire into what have been the results of the repeal of the Usury Laws in England, the United States, and other countries, with power to send for papers and persons.⁹²

Some conversation [followed]⁹³.

The motion was withdrawn.⁹⁴

The report was postponed till Monday.⁹⁵

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Ordered, That the Report be received on Monday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

*Then, on motion of Mr. Turcotte, seconded by Mr. Tessier,
The House adjourned.⁹⁶*

APPENDIX: 3 MARCH 1853.

[NOTICE OF MOTION RE: AMENDMENT OF ACT INCORPORATING RAILROAD
FROM HAMILTON TO PORT DOVER.]

SIR A. MACNAB [gave notice that] on Monday next [he will introduce a] Bill to revive and amend the Act incorporating certain persons to construct a Railway from the City of Hamilton to Port Dover on Lake Erie.⁹⁷

[NOTICE OF MOTION RE: INCORPORATION OF ENGLISH CATHOLIC CONGREGATION
AT QUEBEC.]⁹⁸

MR. STUART [donna avis que] Lundi prochain [il introduira un] Bill pour incorporer la congrégation des catholiques de Québec, parlant la langue anglaise.⁹⁹

FOOTNOTES: 3 MARCH 1853.

1. The debate on this matter was reported by MORNING CHRONICLE, 7 March 1853. The debate was noted by: MORNING CHRONICLE, 4 March 1853; and GLOBE, 15 March 1853.
2. MORNING CHRONICLE, 7 March 1853.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. MORNING CHRONICLE, 4 March 1853, reported that the debate lasted two hours.
24. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 7 March 1853, PILOT, 10 March 1853, BRITISH COLONIST, 11 March 1853, HAMILTON SPECTATOR DAILY, 14 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 16 March 1853, and HAMILTON SPECTATOR WEEKLY, 17 March 1853. The debate was also reported by: GLOBE, 15 March 1853; and LA MINERVE, 10 March 1853. LA MINERVE, 10 March 1853, interspersed commentary with its account.
25. GLOBE, 15 March 1853.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. MORNING CHRONICLE, 7 March 1853.
32. GLOBE, 15 March 1853.
33. MORNING CHRONICLE, 7 March 1853.
34. IBID.
35. IBID.
36. GLOBE, 15 March 1853.
37. IBID.
38. MORNING CHRONICLE, 7 March 1853.
39. GLOBE, 15 March 1853, which remarked that: "the hon. member continued his remarks but the French members caused such confusion that it was impossible to catch what he said."
40. MORNING CHRONICLE, 7 March 1853.
41. GLOBE, 15 March 1853.
42. LA MINERVE, 10 March 1853.
43. MORNING CHRONICLE, 7 March 1853.

44. GLOBE, 15 March 1853.
45. MORNING CHRONICLE, 7 March 1853.
46. GLOBE, 15 March 1853.
47. MORNING CHRONICLE, 7 March 1853.
48. GLOBE, 15 March 1853.
49. MORNING CHRONICLE, 7 March 1853.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. GLOBE, 15 March 1853.
61. MORNING CHRONICLE, 7 March 1853.
62. GLOBE, 15 March 1853.
63. MORNING CHRONICLE, 7 March 1853.
64. IBID.
65. GLOBE, 15 March 1853.
66. IBID.
67. IBID.
68. MORNING CHRONICLE, 7 March 1853.
69. GLOBE, 15 March 1853.
70. MORNING CHRONICLE, 7 March 1853.
71. IBID.
72. IBID.
73. GLOBE, 15 March 1853.
74. IBID.
75. IBID.
76. MORNING CHRONICLE, 7 March 1853.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. GLOBE, 15 March 1853.
84. IBID.
85. IBID.
86. IBID.
87. MORNING CHRONICLE, 7 March 1853.
88. GLOBE, 15 March 1853.
89. IBID.
90. IBID.
91. MORNING CHRONICLE, 7 March 1853.
92. GLOBE, 15 March 1853.
93. MORNING CHRONICLE, 7 March 1853.
94. IBID.
95. GLOBE, 15 March 1853.
96. GLOBE, 15 March 1853, reported that the House adjourned "at a late hour."
97. GLOBE, 15 March 1853.
98. The following papers reported this Notice of Motion in identical accounts:
GLOBE, 15 March 1853, and JOURNAL DE QUEBEC, 5 March 1853.
99. JOURNAL DE QUEBEC, 5 March 1853.

FRIDAY, 4 MARCH 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Mongenais,--The Petition of John Scanlan, School Master.

By the Honorable Mr. Macdonald,--The Petition of John Watkins, President, on behalf of the Board of Trade of the City of Kingston.

By Mr. Stuart,--The Petition of O. Robitaille, Esquire, and others, of the City of Quebec.

By the Honorable Mr. LaTerrière,--The Petition of John Guay and others, School Commissioners of the Municipality of Chicoutimi, County of Saguenay.

Pursuant to the Order of the day, the following Petitions were read:--

Of William Gunn and others, of the County of Bruce; praying for the opening of Roads through the said County to the Town of Goderich.

Of Louis C. Lefrançois, Esquire, Registrar of the first division of the County of Montmorency; praying to be indemnified for the expenses incurred by him in attending with Witnesses at the Bar of the House to answer certain charges preferred against him by Joseph Cauchon, Esquire, a Member of this House.

Of George Sherwood, Esquire, and others, of the Town of Brockville; praying for an Act of Incorporation under the name of "The Brockville Gas Light Company."

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Eighteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the St. Roch's Reading Room, and have agreed to the same with an amendment, which they respectfully submit for the consideration of Your Honorable House.

They have also examined the Bill to amend the Charter of the City of Toronto Gas Light and Water Company, and have agreed to report the same without any amendment.

Mr. Polette reported, from the General Committee of Elections, the Amended Panels.

Ordered, That the Return relative to the North Shore Railroad, which was presented on the 24th February last, be printed for the use of the Members of this House.

Ordered, That the Petition of J. Trudel and others, of the Parish of Ste.

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Geneviève de Batiscan, County of Champlain, be printed for the use of the Members of this House.

On motion of MR. RIDOUT¹,

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Ordered, That the Bill to amend the Charter of the City of Toronto Gas Light and Water Company, be read the third time on Monday next.

Resolved, That the Petition of John McMullen and others, Merchants, Traders, and others, of Quebec, be referred to a Select Committee, composed of Mr. Stuart, Mr. Christie of Gaspé, Mr. Dubord, and Mr. Solicitor General Chauveau, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Ordered, That the Honorable Mr. Young have leave to bring in a Bill to authorize the Municipality of the County of Two Mountains to take Stock in the St. Lawrence and Ottawa Grand Junction Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Lemieux have leave to bring in a Bill to afford relief and make compensation to persons who, as Tenants under Emphyteotic Leases, improve their Houses and Buildings in obedience to certain By-Laws of the City of Quebec passed for the prevention of accidents by fire.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Stuart have leave to bring in a Bill to authorize an addition to the Capital Stock of the Quebec Bank, and to facilitate the transfer of Shares in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Crawford have leave to bring in a Bill to alter, amend and extend an Act passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled, "An Act to alter and amend an Act passed in the eighth year of His Majesty['s] Reign, intituled, 'An Act to confer upon His Majesty certain powers and authorities necessary to the making, maintaining, and using the Canal intended to be completed under His Majesty's direction, for connecting the waters of Lake Ontario with the River Ottawa, and for other purposes therein mentioned.'"

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Order of the day for the second reading of the Bill to extend the provisions of the Railway Companies Union Act to Companies whose Railways intersect the main Trunk Line, or touch places which the said Line also touches, being read;²

MR. LANGTON moved the second reading of his bill, to extend the provisions of the Railway Union Act, to certain branches leading to the Main Trunk line. In doing so, the hon. gentleman explained that he had no right to make this motion, as it was government right, but he trusted the Inspector General would concede to him this favour, as the bill was one of great importance.³

MR. INSP. GEN. HINCKS consented⁴.

The bill was read a second time.⁵

MR. LANGTON then moved to refer the bill to the Railway Committee.⁶

MR. INSP. GEN. HINCKS though[t] it was not necessary to refer the bill to any committee--it might be passed to a third reading at once. He quoted from a work he held in his hand to show this.⁷

SIR A. MACNAB said the bill was to all intents and purposes a private bill, and affected the rights of every railway company in the province. By its provisions every few miles of railway might become a part of the Grand Trunk Line--and the directors were at liberty under it to vote by proxy. The whole railway interests of the Province would thus be in the hands of a few individuals.

It should certainly be referred to the Railroad Committee.⁸

MR. BROWN had been much amused with the pretty little scene just acted--and was wondering if the Great Western influence would let it pass, when the gallant Knight rose. The Hon. member for Peterborough gets up with a delightful look of innocence and trusts that the Hon. Inspector General will not regard his measure with hostility--but will generously consent to allow it to take precedence of all Government business; the Inspector General with interesting coyness grants the favour; the member for Peterborough moves to send the bill to the Committee in the ordinary way--the Inspector General, thrown off his guard by the absence of opposition strikes in as a partizan to save the bill from passing through the hands of the gallant Knight. The thing was very well got up. This bill was simply another link in the Jackson Job--prepared at the instance of the Inspector General and handed over to the Hon. member for Peterborough, for a very obvious reason, just as the Jackson bills were last session shuffled from one member to another. A bill has already been passed to unite in one Mammoth Corporation the Trois Pistoles road--the Quebec and Richmond road--the Portland road--the St. Lawrence bridge--and the Montreal and Toronto road; this new proposal is to add to this huge monopoly, all the other roads of Upper Canada, if Mr. Jackson and his friends can so arrange it. The proposition has two sides to it--a good side and a bad side. The good one is that Messrs. Jackson & Co. having got the main front lines, may as well have the opposition back lines--they have got the cream and they may as well have the milk. They are to receive no government money for the work, and if they are bound to proceed within a certain time, they may possibly find bona fide stockholders to subscribe the stock, on the principle that men once engaged in an undertaking must complete it. The bad view of the case is that an influence will be created throughout the Province while these roads are building which nothing will be able to rest! Imagine the political and commercial control which the governors of such a company will command with its ramifications extending over the whole country through Contractors! Engineers, and employees of every class! Add to this that as the directors may reside in England and vote by proxy--one man may control the whole establishment and the evil to be encountered will be readily estimated. When the first feeling of satisfaction at having the roads built passes away--it will be well if our table does not groan with petitions to break up so immense a monopoly. The hon. gentlemen on the treasury benches may yet be reminded that by mere physical force they repealed a charter, deliberately granted to citizens of this country, in order to create this enormous corporation.⁹

MR. INSP. GEN. HINCKS congratulated the hon. member for Kent in holding out to the people the idea of repudiating their contracts. He was sorry that the House should be disgraced by such language. He went on to contend that if the course taken in this bill was improper that taken by Sir Allan MacNab on a former occasion, was also improper. He contended that the bill was not a private one, and that it would be very beneficial to the parties interested to have it passed, as the stock would then be taken up in England, in the same way that the other stock of the Grand Trunk Railway Company was taken up.¹⁰

MR. BROWN said, he held out no idea of repudiation. He merely warned the hon. gentleman and his colleagues, while the danger could not be averted of the natural consequence of their present proceedings. The hon. gentleman speaks of the House being "disgraced" by such language. If such a term was to be tolerated at all on the floor of this House, it certainly must apply with far greater force to the actual repudiation last session of a charter solemnly granted by the hon. gentleman himself, than to the warning he (Mr. B.) had given.¹¹

MR. PRES. EX. COUN. CAMERON also contended that the bill was not a private one. He went on to speak in favour of amalgamating these companies.¹²

Some further discussion [followed]¹³.

The motion was granted.¹⁴

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The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to provide for the construction of a general Railway Bridge over the River St. Lawrence, at or in the vicinity of the City of Montreal, being read;¹⁵

MR. YOUNG¹⁶ moved the second reading of a bill for the construction of a Railway Bridge over the St. Lawrence at Montreal.¹⁷

MR. MACKENZIE objected to taking up motions out of their proper course. The hon. gentleman who has just passed through his apprenticeship as an Executive Councillor jumps up and says, take up item 71. What was the use of having orders of the day printed, if they were not attended to?¹⁸

After a few remarks explanatory of the course that was being taken, the motion was agreed to and the bill referred to the Standing Committee on Railroads, &c.¹⁹

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The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented,

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pursuant to Addresses to His Excellency the Governor General,--Return to an Address of the Legislative Assembly, dated 28th February, 1853, for copies of Correspondence between the Trinity Board and the Executive respecting an Ice Bridge at Quebec.

By Command,

A. N. Morin, Secretary.

Secretary's Office,
Quebec, 1st March, 1853.

Secretary's Office,

Montreal, 25th January, 1845.

Gentlemen,--I have the honor, by command of the Governor General, to transmit to you the accompanying copy of an Address of the House of Assembly for certain particulars of information relative to your Corporation; and to request that you will be good enough to furnish His Excellency with a report of the same in compliance with the requirements of the Address, at as early a day as possible.

I have, &c.

(Signed,)

D. Daly, Secretary.

The Master, Deputy Master, and
Wardens of the Trinity House, Quebec.

Trinity House,

Quebec, 7th February, 1845.

Sir,--Your letter of the 25th January last, with the accompanying copies of two Addresses of the Legislative Assembly, relating to the formation of Ice

Bridges over the River opposite to Quebec and Three Rivers, having been laid before the Board, we are directed to transmit to you, herewith enclosed, copy of a Report from Captains Young, Boxer and Alleyn, as containing the opinion of the Board regarding the effect of the said Ice Bridges upon the navigation of the St. Lawrence, this Report having been concurred in by the Board, who further consider that the using of artificial means to stop the Ice would be a very dangerous experiment.

We have, &c.

(Signed,)

Lindsay & Lemoine,

Registrar T.H.Q.

*The Honorable D. Daly,
Provincial Secretary, Montreal.*

NOTE:--The Report of Captains Young, Boxer and Alleyn, is printed in the Appendix (L.L.L.) to the Journals of the House of Assembly, Session 1844-45.

Return to an Address of the Legislative Assembly of the 18th ultimo, for copies of all Correspondence, Surveys, and Reports relative to the Point Platon Wharf.

For the said Return, see Appendix (W.W.W.)

The House according to Order, resolved itself into a Committee on the Bill to enlarge the Representation of the People of this Province in Parliament;²⁰

MR. MALLOCH ... [took] the Chair.²¹

SIR A. MACNAB did not regard this as a political bill though he conceived it was a most important one.²² [He] confessed that he had not read the bill, but supposing that it was the same as that of last year, he considered that it was most unjust to Upper Canada. It was founded, he supposed, on the Scotch Reform Bill of 1832, but that did not disfranchise any of the boroughs, but added to them, increasing them from 15 to 23. He considered that the proposed electoral divisions were most unjust, and he thought that the details of the bill should be left to the people of Upper Canada to arrange and that Lower Canada should be left to the Lower Canadians to arrange. Lower Canadians should not vote upon the details of this measure when they knew nothing of the merits of it as far as Upper Canada was concerned, any more than he wished to interfere with Lower Canada.²³ If any change[s] were to be effected, why not adopt the precedent of the union between England and Scotland, in which the electoral divisions of each country were left to itself. He complained of the aggregation of the towns, and said if they were carried, he should be only the fractional part of a member representing neither Hamilton nor Dundas.²⁴

MR. INSP. GEN. HINCKS said, that if the gallant member for Hamilton had been here for the last few days, he could not have made the speech that he had. The Government had taken every means to meet the views of the opposition, and some of the members who usually voted with the hon. and gallant knight had voted for the second reading.²⁵ The ministry were not, he said, wedded to the aggregation of the small towns, if a better plan could be shown though he did not think that could be.²⁶ If they found that the bill would pass, the Government would be prepared to abandon altogether the grouping of towns if it should be necessary to bring in a new bill.²⁷ He also understood that an objection was taken to double representation especially from some of the cities. The Ministry were quite ready to yield to that objection and divide the large constituencies into wards, giving Montreal three members, one for each of three wards, Quebec the same, Toronto two, &c.²⁸

SIR A. MACNAB asked if it would not be advisable to refer the bill to a Special

Committee of Upper Canada members²⁹ [OR] to select Committees, one for each section of the Province³⁰ that they might report upon the most advisable electoral division.³¹

MR. INSP. GEN. HINCKS did not see that anything would be gained by referring the bill to a special committee, it was in a committee at present. He was most anxious that hon. gentlemen should go into a fair discussion of the whole question, and by leaving aside all party considerations, endeavour to make the Bill as perfect as possible.³² The ministry had prepared their scheme with every care, and they now only asked that it should be considered. If it were objectionable it could still be rejected.³³

MR. H. SMITH made some preliminary remarks upon the number of members which it was proposed to give to the Province, and expressed an opinion that one hundred and twenty was too many. He then went on to details, and was decidedly in favour of single electoral districts in the counties; but he believed this was not the best means to obtain the entire mercantile opinion in the cities.³⁴ [He] contended that there should be the same number of town representations from Upper as from Lower Canada, where, as by the present bill, from Upper Canada there would be 10, and from Lower Canada there would be but 6. Moreover, Toronto would in five years be much larger than Quebec, and would have but 2 representatives while the latter would have 3. This bill also had no provision for increasing the representation as the population increased.³⁵ Was it to be imagined that in twenty years when Upper Canada would have twice the population of Lower Canada, she would be contented with only the same number of members? That was out of the question, and it would be better to provide at once for coming events.³⁶ He considered that the House had no power to disfranchise any constituency as was proposed by this bill in the clause, grouping the towns together....He wanted to know what was the basis of this measure, for he found the county with 9000 with one member, and another with 20,000 with one member, and another with 24,000 with one member. This objection had been made to the former bills, and the evil did not appear to be remedied in that particular. He did not think that by the Union Act any power was given to take a town and throw it into the adjoining county. They might change limits and later the number of representatives by a two-thirds vote, but could not take away the franchise of a town by joining it to a county.³⁷ The hon. member then read an extract from the union act, with a view to show that no constituency could be disfranchised. He concluded by recommending some changes of townships between the counties of Frontenac and Leeds.³⁸

MR. BADGLEY was opposed to dividing the City of Montreal into single electoral districts and said that the general feeling of the inhabitants of Montreal was against the proposition.³⁹

MR. INSP. GEN. HINCKS said that the proposition to divide Montreal into three wards⁴⁰ came from the very interests represented by the hon. member himself.⁴¹ The injustice of keeping the constituency united had been very often represented by the classes which might be called the British or commercial classes, and nine-tenths were in favour of it. He appealed to Mr. Young if this was not so.⁴²

MR. YOUNG said he had thought so at first; but⁴³ that as the population of Montreal was so rapidly increasing it would in his opinion be advisable not to make any change in the mode of conducting the election, but he had had no advice from his constituents on the subject.⁴⁴

MR. R. CHRISTIE (Gaspé) hoped that some measures might be taken to relieve

the inhabitants of the Magdalen Islands, who from not being freeholders⁴⁵, owing to the manner in which those islands were owned by the heirs of Sir J. Coffin, had at present no vote.⁴⁶

MR. INSP. GEN. HINCKS suggested that the new election franchise bill would remedy the evil.⁴⁷

MR. MACKENZIE began by calling attention to what was going on in the city of New York where bribery and corruption had been proved against the corporation. Thence he went on to speak of the inquiry into the conduct of Mr. Bowes, on the subject of "who got the £10,000" at Toronto; and thence asked what brought about the revolution, (so he called the Reform bill,) in England in 1832, and the rebellion with the "Bread and Butter" Parliament in Upper Canada in 1837. All this he traced to insufficient representation, and asked whether that being so, any one would vote against the bill--the best and wisest measure which had been proposed or would be in the next hundred years.⁴⁸ Then [he went on] to the unjust representation of the towns as compared with the counties and then to the comparison that had been made between Toronto and Quebec, and suggested that Reciprocity and improving the navigation of the St. Lawrence, would make Quebec a port with the termini and the shipping it now had, and then went on to say that no man in the House on either side were really in favour of reform, and that men in power who would be very active in the opposition did very little when they had the power. The hon. gentleman spoke of the benefit of getting more men in Parliament to oppose the jobs and corruption of individuals. He then went on to a description of Tammany Hall in New York and how the Tammany boys managed elections⁴⁹. Tammany Hall used to appoint sixteen men, who were all to be elected as a party thing, though no one elector could know them all, and the consequence was that this one society had the appointment of the judges and of all other officers. This had been now done away with there, and it was in like manner desirable to do away here with the system of electing several members en bloc. At this point Mr. McKenzie diverged into a panegyric on education, and after dwelling for sometime on that subject, proceeded to answer Mr. H. Smith's argument as to the impossibility of disfranchising the towns. If the hon. member would go back to his constituencies and tell them there should be no more representation for the large than the small constituencies, probably the house might see some other member just by way of a change.⁵⁰ [He] then went to Custom Houses, and thence to draw deductions applicable to the present case. He believed that the Government were in earnest this time, but from the lukewarmness of one side, and the opposition on the other they would not do much. Then back to New York again, then to pay a left handed compliment to the member for Frontenac, then to his Message where he told of the scenes that took place in the House, and then back to New York for an example in favour of cities, towns and counties being divided into single electoral districts, then to discuss the proper number of representatives, and then away to New York for an example.⁵¹

MR. SANBORN after expressing an opinion that nothing could tend so much to render Mr. McKenzie supremely unhappy, as an arrival at perfect government where there would be no grumbling, went on to say that though he wished towns to be fairly represented as distinct from the rural population, he did not entirely approve of the method of grouping towns. The fact was that where there were no towns, they would calculate which had the most voters, and then the election would be decided exactly upon local reasons. He thought it very invidious to take away representation, which had hitherto existed. He did not desire to say anything about origins; but at present the Eastern Townships had one-sixth of the representation whereas it was proposed to give them only one eighth. That

seemed a reason why Sherbrooke Town should preserve its member. It was also to be remembered that the area of these counties was very extensive, though their population was not very large. Excepting Ottawa, Sherbrooke was the largest county in the Province and constantly settling. He therefore thought it would be just to leave a member with the town of Sherbrooke.⁵²

MR. CAUCHON expressed a strong opinion against the division of the cities into wards, and thought that the Parliament had no right to disfranchise any constituency though it might increase or diminish the size of the constituencies.⁵³

MR. AT. GEN. DRUMMOND replied to the observations of Mr. Smith and contended that they were futile. The increase of the representation he held would be a great boon to the country, and to obtain that, the government were willing to consult the wishes of gentlemen on all sides of the house as far as they could consistently with principle. His own opinions were in favor of small electoral divisions. He preferred to have two members returned from two small counties, them [*sic*] two members from one large county. And in large cities, his opinion was in favor of division into wards, and each ward returning a member. He thought the different interests would be better represented by that means. But the point was one on which the government had not any strong opinion, and it was for the house to consider the matter.⁵⁴

A long discussion took place as to whether the Parliament had power to merge a town constituency in a county⁵⁵.

MESSRS. BADGLEY, SMITH, and MACDONALD of Kingston, contended that by the terms of the Union Act the Parliament had no power to disfranchise a constituency, which they maintained would be the effect of the bill⁵⁶.

MR. BROWN and MESSRS. AT. GEN. DRUMMOND and RICHARDS, contended that the word apportionment in the Act gives power to cut up and alter the constituencies as they thought proper, and to merge town constituencies in counties.⁵⁷

A long and rambling discussion upon the general merits of the bill [followed]⁵⁸.

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

*The Order of the day for the second reading of the Bill to protect Justices of the Peace in Upper Canada from vexatious actions, being read;*⁵⁹

MR. AT. GEN. RICHARDS moved the second reading of the bill to protect Justices of the Peace from vexatious actions. The hon. gentleman explained shortly the objects of the bill....One of the most important features of the measure was, to allow the prosecution of a magistrate for damages for improper conduct in the discharge of his duties to be taken in the County Court, unless the magistrate desired to have it tried in the Supreme Court.⁶⁰ He was understood to say that the bill had been copied with some alterations from the English law, and that its object was to prevent justices from being sued unless the judge and jury were satisfied of malignant motives.⁶¹

MR. H. SMITH said there was much need of this bill seeing the⁶² extraordinary⁶³ kind of Magistrates the government had been in the habit of appointing. There was more need now of such a bill than a few years ago.⁶⁴

Hear, ironically from MR. INSP. GEN. HINCKS.⁶⁵

MR. H. SMITH [continued:] The hon. member might cry hear, but what was the qualification now for a magistrate? A pair of black eyes. (Laughter.)⁶⁶ The qualification of a magistrate at present appeared to be, to be able to fight well at elections, and to be a sturdy partizan of the present Ministry.⁶⁷ In his own county, one of his old supporters told him, he must vote for Mr. McKenzie because the administration would make him a magistrate. (Laughter.)⁶⁸ The hon. gentleman proposes by his bill to have the actions tried in County Courts, but he has not given the County Courts power to try them.⁶⁹

MR. AT. GEN. RICHARDS said, that he had another bill for that purpose.⁷⁰

MR. H. SMITH.--A bill that perhaps may not pass. That was a nice specimen of Ministerial bungling! He (Mr. Smith) asked the member for Haldimand if it would not be a good thing to extend the provisions of this bill to editors of newspapers, who occasionally forget themselves, and put things in the papers which they had no business to do. He went on to speak of the very inefficient character of the magistracy, saying that very many of them could not write their own names, and of course they frequently make mistakes, and these actions were brought against them principally through the interference of meddling attorneys, the costs in such actions generally amounting to a great deal more than the damages. To show the great extent to which political partizanship was a guide in the appointment of magistrates, he said that he knew of a township in which almost all the inhabitants⁷¹, a batch of radicals⁷², were magistrates, having been appointed because they went down to Montreal with an address⁷³ to the Governor⁷⁴ when the Parliament House was burned.⁷⁵ (Laughter.) The commission of the peace had never been more disgraced than by the present government. The bill before the House was necessary to protect the present magistrates and he would vote for it.⁷⁶

MR. INSP. GEN. HINCKS had not intended to speak on this question, but he could not sit quietly by and hear such gross attacks made upon the magistracy of the country, without replying to them. He defied any gentleman opposite to say that there had ever been a commission of the peace issued, by a liberal Administration, in which all the magistrates appointed had been of one party in politics. They had always taken the best men of all parties.⁷⁷ [It] was however a strange charge from a gentleman who stated that he should expect to be paid if he rendered support to an administration.⁷⁸

MR. H. SMITH did not say that. He had said that if he gave a blind support like an hon. member he should expect something for it. (Increased laughter.)⁷⁹

MR. INSP. GEN. HINCKS.--Well, the hon. member had said something like that. He proceeded to contend that the hon. member should have made some specific charge if he had any, instead of attacking a whole body of respectable men in a manner tending to bring them into disrepute. Under former conservative administrations, magistrates had been appointed from political considerations.⁸⁰ He knew something of the County of Frontenac--⁸¹

MR. H. SMITH.--I guess you do, for you ran away from it!⁸²

MR. INSP. GEN. HINCKS.--I did run away, and very naturally, from a party of men who would have taken my life. He would like to know when there had been an instance of the Reform party acting in the same way. It was not the first time, nor the second time, nor the third time that he had to make his escape under similar circumstances. He recollected an instance of the same kind at Bradford, in the County of Simcoe, when Mr. Baldwin and Mr. Blake had to do the same thing.⁸³

MR. SEYMOUR said that in Lord Metcalfe's time, a great many Reformers were appointed magistrates. In his county the magistracy was very objectionable, and in the appointment of Grammar School Trustees even, the Government looked only to their own supporters.⁸⁴ He was understood to contend that the present or former administration had so lowered the character of the magistracy by their appointments that this bill was necessary to protect it.⁸⁵

MR. DIXON was astonished at what the Inspector General said about the appointment of magistrates, for in his part of the country many persons were appointed who could not write their own names. It used to be said that to hail a liberal magistrate was the exception to the rule, but now the exception was the other way--as far as he was acquainted with the magistrates in the Western counties, he knew that there were many who were a disgrace to the country.⁸⁶

MR. BROWN said, that as a general rule the magistracy throughout Upper Canada were a most respectable and well qualified body of men; and he did think it unfortunate that general charges of incapacity, and worse, should be so often heard against them on the floor of this House. He did not desire to help the present Administration in this matter, for he thought they had acted improperly in many cases, but it was absurd to suppose that any Administration would not be misled into making doubtful appointments, or would omit to appoint their own friends. The hon. member for London spoke in very severe language as to the magistracy of the county of Middlesex. He (Mr. Brown) had the pleasure of knowing very many of the gentlemen on that commission, and as a body of intelligent, upright men, he regarded them as an ornament to the country and to the Province. Out of the 50 or 60 magistrates on the Middlesex commission, he defied the hon. member for London to name those who could be objected to.⁸⁷

MR. DIXON said that he would pledge himself to name three to-morrow morning.⁸⁸

MR. BROWN said that there were a great many different ideas as to the qualifications of magistrates. Every one knew the old Tory qualification;--and it might be that the magistrates of Upper Canada did not altogether realize it; but so far as respectability of personal character, general intelligence, and ability to deal with the ordinary affairs of life were concerned, he felt persuaded that no young country could better boast of its magistracy than Upper Canada. Some unfortunate exceptions should not be made a reproach on a whole class.⁸⁹

MR. DUBORD (in French) complained of some magistrates in the District of Quebec because they refused to do their duty. We understood him to say, he thought members of parliament should have the nomination of magistrates.⁹⁰

COL. PRINCE defended the Magistracy of Upper Canada, and said it was the custom in England for the different governments to appoint their political friends to be magistrates. Some men there might be among the magistrates of Canada not properly qualified, but the trouble was in this new country to find materials from which to appoint them.⁹¹

Hear from MR. AT. GEN. DRUMMOND.⁹²

COL. PRINCE [continued:] The hon. member proceeded to contend, that the bill before the house was sound in principle and ought to become law.⁹³

MR. MARCHILDON (in French) made some remarks upon the magistrates of his county. According to him some magistrates in Champlain held court on Sunday, during mass, and detained people from going to church, and that he considered disgraceful.⁹⁴

MR. AT. GEN. RICHARDS said a few words in defence of the late appointments.⁹⁵ He stated that he had given his friends to understand he did not view the appointments of magistrates as political. He defended the appointments of the government; and censured the attacks upon the magistracy. If gentlemen had any complaints against magistrates let them be made and they would be inquired into by the government. If the complaints were just the offending magistrate would be dismissed; but, if not just he would be defended.⁹⁶

MR. ROSE said that the magistrates appointed by the present ministry would compare very well with those appointed by Administrations when gentlemen on the other side of the House held the reins of power. He was aware, as had been said, that it was most difficult to find materials out of which to form a magistracy; but the administration supported by hon. gentlemen opposite found no such difficulty, when the only requisite qualification was to be a good Tory. He knew that there were many well grounded complaints against the magistrates appointed by Lord Metcalfe, and doubtless, there were some against those appointed since, though he considered the latter much superior to the former. He thought that much was due to the Attorney General for having introduced the present measure, and he would heartily support it.⁹⁷

Some further conversation on appointments [followed]⁹⁸.

MR. AT. GEN. DRUMMOND strongly condemned the idea of appointing magistrates on political grounds. At the same time one of the most difficult tasks that fell to an administration was the satisfactory appointment of magistrates⁹⁹ from proper men not being easy to find. He rose however¹⁰⁰ particularly to condemn the conduct of hon. members who came to the House and brought such general charges against the magistracy of the country, without having sufficient courage to denounce those magistrates who would not do their duties¹⁰¹ or were guilty of improper conduct. If the cases alluded to by the hon. members from Champlain and Quebec had been reported to the government, and proved, the magistrates would have been dismissed.¹⁰² Instead of doing that, they came and laid all the blame on the Government. Persons who know of these abuses should come and lay their complaints before the proper authorities, and if they are proved the parties accused should be dismissed.¹⁰³

MR. J. A. MACDONALD (Kingston) said the complaint was not against particular magistrates but against the government for their general appointments, and these had been most reprehensible, at least latterly.¹⁰⁴ It was not the fault of these men that they could not read or write, or that they were all Reformers, but the Government were to blame for appointing such incompetent persons.¹⁰⁵ In 1847 and 1848 so much complaint might not have been made, but before the last election appointments were made with a view of influencing it.¹⁰⁶ At the time ... there was no necessity for appointing a fresh batch of magistrates, but just for the sake of strengthening their hands the Government appointed new magistrates, all of their own partizans, and he went on to relate several instances of most improper appointments that had been made in the counties of Frontenac and Hastings.¹⁰⁷ He would mention for instance the county of Hastings. Previous to the last election 67 magistrates had been added to the 45 who were in the county, and all radicals with the exception of one old tory, who did not vote for Mr. Murney. These appointments had lowered the character of the magistracy.¹⁰⁸ If such appointments were continued to be made it would be necessary to have magistrates elected, and he was sure though he should not approve of such measure, that much better selections would be made than are at present.¹⁰⁹ The hon. member gave some other instances and argued that magistrates should always be appointed from competent men.¹¹⁰

Motion carried.¹¹¹

The motion of the committal of the bill [was put]¹¹².

MR. AT. GEN. RICHARDS said that he saw no objection why tradesmen or farmers should not be appointed to the magistracy, provided they were competent. And in many cases he would prefer tradesmen to persons who were brought up to do nothing, but who considered themselves gentlemen.¹¹³

Motion carried.¹¹⁴

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

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*The Order of the day for the second reading of the Bill to amend the Act of the present Session for the relief of the Sufferers by the late Fire at Montreal, being read;*¹¹⁵

MR. INSP. GEN. HINCKS moved the second reading of the bill¹¹⁶.

MR. RIDOUT asked if any arrangements [sic] had been made to prevent insurances with provincial companies? He asked, because he had been told there had.¹¹⁷

MR. INSP. GEN. HINCKS said there was no truth in the report which had reached the hon. member.¹¹⁸ [He] stated that there was no intention to restrict future insurance on buildings affected by this loan from being effected in Provincial Companies.¹¹⁹

MESSRS. BROWN and BADGLEY ... [made] a few remarks¹²⁰.

The motion was carried, and the bill was read at length.¹²¹

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The Bill was accordingly read a second time; and ordered to be read the third time on Monday next.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of Mr. Wright of the East Riding of York, seconded by Mr. Gouin,

The House adjourned until Monday next.

APPENDIX: 4 MARCH 1853.

[NOTICE OF MOTION RE: INCORPORATION OF MONTREAL, BYTOWN AND
OTTAWA GRAND TRUNK RAILWAY AND SUSPENSION OF RULES OF HOUSE.]

MR. BADGLEY [gave notice that] on Monday next [he will introduce a] bill
to incorporate the Montreal, Bytown and Ottawa Grand Trunk Railway Company,
and [move] to suspend the 64th and 66th Rules of this House in relation there-
to.¹²²

[NOTICE OF MOTION RE: MAYORAL ELECTIONS, U.C.]

MR. DIXON [gave notice that] on Monday next [he will introduce a] bill
to enable Cities and Incorporated Towns in Upper Canada to elect their several
Mayors by the Municipal Electors generally.¹²³

FOOTNOTES: 4 MARCH 1853.

1. GLOBE, 15 March 1853.
2. The debate on this matter was reported by GLOBE, 15 March 1853. The following papers noted the debate in identical accounts: GLOBE, 5 March 1853, HAMILTON SPECTATOR DAILY, 5 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853; MORNING CHRONICLE, 7 March 1853, and BRITISH COLONIST, 11 March 1853.
3. GLOBE, 15 March 1853.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. The exchange on this matter was reported by GLOBE, 15 March 1853. The following papers noted the exchange in identical accounts: GLOBE, 5 March 1853, HAMILTON SPECTATOR DAILY, 5 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
16. The motion was attributed to Mr. Cartier in GLOBE, 5 March 1853, HAMILTON SPECTATOR DAILY, 5 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853.
17. GLOBE, 15 March 1853.
18. IBID.
19. IBID.
20. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 7 March 1853, PILOT, 10 March 1853, HAMILTON SPECTATOR DAILY, 14 March 1853, BRITISH COLONIST, 15 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 16 March 1853, and HAMILTON SPECTATOR WEEKLY, 17 March 1853. The debate was also reported by GLOBE, 15 March 1853. A commentary appeared in NORTH AMERICAN WEEKLY, 17 March 1853.
21. GLOBE, 15 March 1853.
22. MORNING CHRONICLE, 7 March 1853.
23. GLOBE, 15 March 1853.
24. MORNING CHRONICLE, 7 March 1853.
25. GLOBE, 15 March 1853.
26. MORNING CHRONICLE, 7 March 1853.
27. GLOBE, 15 March 1853.
28. MORNING CHRONICLE, 7 March 1853.
29. GLOBE, 15 March 1853.
30. MORNING CHRONICLE, 7 March 1853.
31. GLOBE, 15 March 1853.
32. IBID.
33. MORNING CHRONICLE, 7 March 1853.
34. IBID.
35. GLOBE, 15 March 1853.
36. MORNING CHRONICLE, 7 March 1853.
37. GLOBE, 15 March 1853.
38. MORNING CHRONICLE, 7 March 1853.
39. GLOBE, 15 March 1853.

40. MORNING CHRONICLE, 7 March 1853.
41. GLOBE, 15 March 1853.
42. MORNING CHRONICLE, 7 March 1853.
43. IBID.
44. GLOBE, 15 March 1853.
45. IBID.
46. MORNING CHRONICLE, 7 March 1853.
47. GLOBE, 15 March 1853.
48. MORNING CHRONICLE, 7 March 1853.
49. GLOBE, 15 March 1853.
50. MORNING CHRONICLE, 7 March 1853.
51. GLOBE, 15 March 1853.
52. MORNING CHRONICLE, 7 March 1853.
53. IBID.
54. IBID.
55. GLOBE, 15 March 1853. NORTH AMERICAN WEEKLY, 17 March 1853, commented that this discussion "wasted half the sitting."
56. GLOBE, 15 March 1853.
57. IBID.
58. GLOBE, 15 March 1853, which reported that the discussion "lasted about three hours."
59. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 7 March 1853, BRITISH WHIG, 14 March 1853, HAMILTON SPECTATOR DAILY, 14 March 1853, BRITISH COLONIST, 15 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 16 March 1853, and HAMILTON SPECTATOR WEEKLY, 17 March 1853. The debate was also reported by GLOBE, 15 March 1853.
60. GLOBE, 15 March 1853, which noted that Mr. Richards spoke "in such a low tone and with so much confusion prevailing, that his remarks were occasionally altogether inaudible."
61. MORNING CHRONICLE, 7 March 1853.
62. IBID.
63. GLOBE, 15 March 1853.
64. MORNING CHRONICLE, 7 March 1853.
65. IBID.
66. IBID.
67. GLOBE, 15 March 1853.
68. MORNING CHRONICLE, 7 March 1853.
69. GLOBE, 15 March 1853.
70. IBID.
71. IBID.
72. MORNING CHRONICLE, 7 March 1853.
73. GLOBE, 15 March 1853.
74. MORNING CHRONICLE, 7 March 1853.
75. GLOBE, 15 March 1853.
76. MORNING CHRONICLE, 7 March 1853.
77. GLOBE, 15 March 1853.
78. MORNING CHRONICLE, 7 March 1853.
79. IBID.
80. IBID.
81. GLOBE, 15 March 1853.
82. IBID.
83. IBID.
84. IBID.
85. MORNING CHRONICLE, 7 March 1853, which remarked that "the reporter did

not distinctly hear [Mr. Seymour] owing to distance from the hon. member."

86. GLOBE, 15 March 1853.
87. IBID.
88. IBID.
89. IBID.
90. MORNING CHRONICLE, 7 March 1853.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. GLOBE, 15 March 1853.
96. MORNING CHRONICLE, 7 March 1853.
97. GLOBE, 15 March 1853.
98. MORNING CHRONICLE, 7 March 1853.
99. GLOBE, 15 March 1853.
100. MORNING CHRONICLE, 7 March 1853.
101. GLOBE, 15 March 1853.
102. MORNING CHRONICLE, 7 March 1853.
103. GLOBE, 15 March 1853.
104. MORNING CHRONICLE, 7 March 1853.
105. GLOBE, 15 March 1853.
106. MORNING CHRONICLE, 7 March 1853.
107. GLOBE, 15 March 1853.
108. MORNING CHRONICLE, 7 March 1853.
109. GLOBE, 15 March 1853.
110. MORNING CHRONICLE, 7 March 1853.
111. IBID.
112. IBID.
113. IBID.
114. IBID.
115. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 7 March 1853, PILOT, 10 March 1853, and BRITISH COLONIST, 15 March 1853. The debate was noted by GLOBE, 15 March 1853.
116. MORNING CHRONICLE, 7 March 1853.
117. IBID.
118. IBID.
119. GLOBE, 15 March 1853.
120. MORNING CHRONICLE, 7 March 1853.
121. IBID.
122. GLOBE, 15 March 1853.
123. IBID.

MONDAY, 7 MARCH 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Gouin,--The Petition of J. Baptiste Lamère, President, and others, the Sorel Library Association; and the Petition of Godfroy Cormier and others, Masters and Owners of Vessels trading between Quebec, Montreal, and the United States.

By Mr. Lacoste,--The Petition of the Municipality of the Town of St. John's.

By Mr. Pclette,--The Petition of the Honorable D. Mondelet and others, of Three Rivers; and the Petition of Aimé Desilets, Esquire, and others, of the Town of Three Rivers.

By the Honorable Mr. Cameron,--The Petition of Peter Brown and others, of the Town of Southampton, Lake Huron; and the Petition of John Fraser and others, Township Councillors of the County of Welland.

By the Honorable Mr. Merritt,--The Petition of the Municipal Council of the Town of St. Catharines; and two Petitions of the Municipal Council of the United Counties of Lincoln and Welland.

By Mr. Seymour,--The Petition of Isaac B. Aylsworth and others, of the Village of Newburgh and its neighbourhood.

By Mr. Crawford,--The Petition of Walter H. Denaut and others, of the County of Leeds.

By Mr. Smith of Durham,--The Petition of Simon Fennell, of the Township of Hamilton, County of Northumberland.

By Mr. Brown,--The Petition of Jacob DeWitt, Esquire, Chairman, and Thomas M. Taylor, Secretary, on behalf of a Meeting held in the American Presbyterian Church, Montreal; the Petition of Benjamin S. Cory, Esquire, M.D., and others, of the Village of Wellington; the Petition of James Finlay and others, adherents of the Presbyterian Church in Whitby in connection with the Presbyterian Church of Canada; the Petition of F. George Scott, Esquire, and others, on behalf of the Kingston Sabbath Reformation Society; and the Petition of Roderick Kennedy and others, of the Village of Bath.

By Sir Allan N. MacNab,--The Petition of Richard Juson and others, of the City of Hamilton.

By Mr. Morrison,--The Petition of W.B. Nichol, Esquire, M.D., and others, Professors in the Faculties of Law and Medicine in the University of Toronto; and the Petition of the Niagara Harbour and Dock Company and of Clarke Gamble, of the City of Toronto, Esquire, Trustee.

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By Mr. Egan,--The Petition of Alexander Willson and others, of the Township of Onslow.

By Mr. Wright of the East Riding of York,--The Petition of L.H. Schofield and others, of the County of Ontario.

By Mr. Tessier,--The Petition of Antoine Légaré and others, of the Parish of Ste. Foye, County of Quebec; the Petition of Joseph Déry, Esquire, and others, of the Parish of L'Ancienne Lorette, County of Portneuf; and the Petition of Michael Scott and others, of the Village of Cap Rouge and its neighbourhood, County of Portneuf.

By Mr. Christie of Wentworth,--The Petition of the Reverend James C. Usher, and others, of the Town of Brantford; the Petition of Eliakim Malcolm, Esquire, Warden, on behalf of a Public Meeting of the Inhabitants of the County of Brant; and the Petition of F. Foster and others, of that part of the Province lying between the Galt Junction of the Great Western Railway and Malden on the Detroit River.

By Mr. Laurin,--The Petition of John Power and others, of the Parish of

L'Ancienne Lorette, and others.

By the Honorable Mr. Badgley,--The Petition of the Town Council of the Town of Port Hope; the Petition of Mrs. Margaret Lunn and others, Directresses and Lady Managers of the University Lying-in Hospital of the City of Montreal; and the Petition of the Trustees of the Mount Royal Cemetery Company.

By the Honorable Mr. Morin,--The Petition of A.B. Papineau and W.B. Leonard, Esquires, of St. Martin.

By Mr. Mackenzie,--The Petition of George Husband and others, of the County of Haldimand.

By Mr. Cauchon,--The Petition of His Grace the Archbishop of Quebec, Patron, and others, Officers of the Catholic Institute of St. Roch, Quebec; and the Petition of the Reverend Antoine Gosselin and others, of the Parish of St. Jean de l'Isle d'Orleans, County of Montmorency.

By Mr. Stuart,--The Petition of the Honorable N.F. Belleau and others, of the City of Quebec.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Great Western Railroad Company; praying certain amendments to their Act of Incorporation, and also for the passing of an Act to incorporate a Company under the name of the Huron and Ontario Railway Company.

Of the Mayor, Aldermen and Commonalty of the City of Hamilton; praying that the Mayor of the said City may be elected by the Municipal Electors in the same manner and at the same time as the Aldermen and Councillors, and that the Election of School Trustees may also take place at the same time.

Of C.J. Forbes, Esquire, and others, of St. Andrews, County of Two Mountains; praying for the construction of a Railway from Montreal through St. Eustache and St. Andrews to the Town of Bytown, and that no other line may be incorporated.

Of the Reverend Cyprien Tanguay and others, of the Parish of St. Germain, County of Rimouski; praying the adoption of measures to insure the completion of the Trois Pistoles Railway, and that the Grand Trunk Line of Railway may be continued from Trois Pistoles by Ristigouche [sic] to the Eastern Boundary of Canada.

Of George Arthur and others, of the Township of Hillier; praying that the Petition for a re-survey of the said Township may not be granted.

Of William McClellan and others, of the Township of Middleton; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating Liquors, except for medicinal and manufacturing purposes.

Of the St. Thomas Branch of the Agricultural Society of the United Counties of Middlesex and Elgin; praying that a certain piece of Land in the Town of

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London, granted to the Municipal Council of the late District of London as a site for the holding of Free Fairs, may be equally divided between the said Counties, or that the proceeds thereof when sold may be so divided.

Of the Reverend A.F. Atkinson, Chairman, and others, Members of the Board of Trustees for the Grammar School at St. Catherines [sic]; praying for aid in behalf thereof.

Of James W.O. Clark and others, of the Counties of Lincoln and Welland; praying for the passing of an Act to prevent any obstruction by the Great Western Railroad Company to the navigation of the Twenty Mile Creek, from Lake Ontario to the Village of Jordan.

Of John Scanlan, School Master; representing that he has been deprived of a certain amount of wages in consequence of the formation of the new Parish of St. Zotique out of the Parish of St. Polycarpe, in the County of Vaudreuil, and praying relief in the premises.

Of John Watkins, President, on behalf of the Board of Trade of the City of Kingston; praying that the Assessment Law may be so amended as to substitute a better mode of taxing the stocks of merchandize of Merchants and Shopkeepers.

Of O. Robitaille, Esquire, and others, of the City of Quebec; representing that they, as sufferers by the great Fires in the said City, obtained aid by Debentures on which they were obliged to raise money at heavy discount and great loss, and that they are now unable to pay the same, and praying for a remission of the whole or part thereof.

Of John Guay and others, School Commissioners of the Municipality of Chicoutimi, County of Saguenay; praying aid for the erection of School Houses in the said Municipality.

Resolved, That the Petition of the Mayor, Aldermen and Commonalty of the City of Hamilton, relative to the election of Mayor of the said City, be referred to a Select Committee, composed of Sir Allan N. MacNab, the Honorable Mr. Cameron, Mr. Street, the Honorable Mr. Macdonald, and Mr. White, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Tenth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to provide for the construction of a general Railway Bridge over the River St. Lawrence, at or in the vicinity of the City of Montreal, referred to them, and have agreed to several amendments thereto.

Your Committee have also taken into their consideration the Bill to extend the provisions of the Railway Companies Union Act to Companies whose Railways intersect the main Trunk Line, or touch places which the said Line also touches, referred to them, and have agreed to several amendments thereto.

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their attentive consideration the Instruction from Your Honorable House of the 24th ultimo, viz: "To enquire into and report upon the regularity of the distribution of the Provincial Statutes of the last Session and the cost thereof, and the best means of rendering such distribution more expeditious for the future."

In their enquiry, Your Committee called before them the Queen's Printer, by whom, under the authority of a Statute, the duty is at present gratuitously performed; and having thoroughly examined the system adopted by that Officer,

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are unanimously of opinion that it is not desirable to make any alteration, as the duty is both satisfactorily and economically performed under that system.

Your Committee, although satisfied that no more satisfactory plan, than the one now acted upon, can be recommended for the distribution of the Statutes, must remark that, after the adjournment, a greater delay took place in their completion, than was anticipated under the recent arrangement of having them printed prior to the Royal Assent being given; nevertheless, Your Committee are led to believe that this delay entirely arose from the fact of its being the first issue after the adoption of a new printed form, and therefore, in future, but a short time will elapse from the close of a Session, till the Statutes are generally distributed throughout the Province.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That Ovide LeBlanc, Esquire, a Member

of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Mr. Prince, from the Select Committee to which was referred the Petition of the Municipal Council of the United Counties of Essex and Lambton, with power to report by Bill or otherwise, presented to the House a Bill to constitute a Provisional Municipal Council in the County of Essex for certain purposes, which was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Bill to provide for the construction of a general Railway Bridge over the River St. Lawrence, at or in the vicinity of the City of Montreal, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee;¹

MR. JOHNSON ... [took] the chair.²

MR. MERRITT objected to the measure on the ground, that it would give power to obstruct the navigation of the St. Lawrence.³

MR. BROWN also spoke to the same effect.⁴

The principal ... [amendment] was to protect the navigation of the St. Lawrence.⁵

Objections were also made to the want of control by Parliament over this work.⁶

MR. INSP. GEN. HINCKS said that the bridge could not pay 2 per cent on the money, that was to be expended on it, and that no company would ever build it to be subject to government interference.⁷

MR. MACKENZIE ... [made] a few remarks⁸.

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Johnson reported, That the Committee had gone through the Bill, and made an amendment thereto.

Ordered, That the Report be now received.

Mr. Johnson reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council request this House to communicate to their Honors the evidence, proofs, and documents on which is founded the Bill, intituled, "An Act to incorporate the Pickering Harbour and Road Joint Stock Company." And then he withdrew.

Ordered, That the Bill to extend the provisions of the Railway Companies Union Act to Companies whose Railways intersect the main Trunk Line, or touch places which the said Line also touches, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

MR. BADGLEY⁹ moved for leave to introduce a Bill to incorporate the Montreal, Bytown and Ottawa Grand Trunk Railway Company; and for the suspension in relation

thereto of Rules 64 and 66.¹⁰

MR. YOUNG objected to this measure on the ground that a company had already been chartered for the same purpose, and that 60 miles of the proposed course would be the same as that of the other, and that some of the stock had already been taken up. He also objected to the suspension of the rules.¹¹

MR. EGAN contended that this proposed road would be in opposition to the Grand Trunk line, and would not interfere with the one mentioned by Mr. Young, as it would go on the opposite side of the Ottawa.¹² [He] held the rules ought to be suspended.¹³

MR. J.A. MACDONALD said that it seemed very invidious to object to the suspension of the rules in this case, when they had been hitherto suspended whenever required. If there was anything objectionable in the bill it would be amended by the railway committee, or when the bill came before the House¹⁴ on the second reading.¹⁵

MR. JOHNSON spoke in favor of the bill, and thought the rules ought to be suspended.¹⁶

MR. SICOTTE was in favor of the bill.¹⁷

MR. H. SMITH (Frontenac) said that it was very ungenerous in one hon. member for Montreal who had just received great indulgence from the House in a measure that he had introduced to object to granting similar privileges to his hon. colleague.¹⁸ Mr. Young ... himself had just got an important bill read a second time and passed through committee, in relation to which the rules were suspended and notice dispensed with.¹⁹

MR. HARTMAN understood that there would be much rivalry between this road and the other that had been mentioned, the stock books of which had been opened in London. What would English capitalists think if after they had taken up stock in a railroad that a charter was given to one that would compete with it without the usual notice being given. He thought that we were progressing rather too fast with our railroad projects, and hoped that the House would cease to suspend the rules in this case, or else to do away with them altogether.²⁰

MR. BADGLEY said that in a matter of this kind affecting only great public interests, and not private ones he thought the rules might be abolished altogether.²¹ It had, he stated, been the custom to suspend the rules in similar cases, and he thought they might as well be rescinded in as far as they applied to railroads. The charter of the existing company was not enough to take the road to Bytown. He made the present application on behalf of many influential persons and for a public not a private object. Meetings had been held in Montreal, Terrebonne and elsewhere, in favor of the application. He farther contended that the effect of the line of the existing company would be to divert trade from Montreal.²²

MR. MERRITT said the objection of Mr. Young was unworthy of him, and not like his usual conduct. Let the rules be suspended, an[d] the bill decided on its merits.²³

MR. EGAN denied that the line built by this company would be a rival line with that of the existing company.²⁴

MR. YOUNG said that for 60 miles the roads would run parallel with each other, and in this country there was not enough of capital to build rival lines. To attempt to do so, would shake confidence in the credit of the country, especially while negotiations were going on in England, to obtain money, for the line of the existing company. He ridiculed the idea of diverting trade from

Montreal, & contended that the railroad bridge would make that a common centre. He would have no objection to grant a charter to intersect the line of the present company, 60 miles distant from Montreal, where it branched off to Bytown.²⁵

MR. STREET did not know of a single instance since he had been in the House in which the rules had not been suspended in the case of railroads, and he thought it would be very improper to refuse the suspension in this case, or in any other relating to great public improvements, unless some private interest was likely to be affected.²⁶ [He] spoke in favor of the introduction of the bill.²⁷

Motion carried.²⁸

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Ordered, That the 64th and 66th Rules of this House be suspended, in so far as regards a Bill to incorporate the Montreal, Bytown and Ottawa Grand Trunk Railway Company.

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Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to incorporate the Montreal, Bytown and Ottawa Grand Trunk Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That the 64th and 66th Rules of this House be suspended, in so far as regards a Bill to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to consolidate their Debt, and for other purposes.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to consolidate their Debt, and for other purposes.

He accordingly presented the said Bill to the House; and the same was received and read for the first time.

Ordered, That the Bill be now read a second time; and the Rules of this House suspended as regards the same.

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

MR. BADGLEY²⁹ moved for leave to introduce a Bill to incorporate the Montreal Section of the Bar of Lower Canada; and for the suspension in relation thereto of Rules 64 and 66.³⁰

This motion was objected to by MR. MACKENZIE, as tending to give too much power to the lawyers, and to give too many privileges to them as a class. He then went on to speak generally against the profession.³¹

COL. PRINCE, as a member of the legal profession, defended it from the attacks of the hon. member for Haldimand.³² [He] spoke of Mr. McKenzie's arguments as balderdash³³.

The motion was carried.³⁴

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Ordered, That the 64th and 66th Rules of this House be suspended, in relation to a Bill to amend an Act incorporating the Bar of Lower Canada, in so far as regards the Section of the District of Montreal.

The Honorable Mr. Badgley moved, seconded by the Honorable Mr. Macdonald, and the Question being put, That leave be granted to bring in a Bill to amend the Act incorporating the Bar of Lower Canada, in so far as regards the Section

of the District of Montreal; the House divided:³⁵--And it was resolved in the Affirmative.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Dixon have leave to bring in a Bill to enable Cities and Towns in Upper Canada to elect their several Mayors by the Municipal Electors generally.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Mr. Laurin moved, seconded by Mr. Tessier, and the Question being put, That it be an Instruction to the Select Committee on the subject of the Quebec Turnpike Roads, to enquire into the reason why the works on the Highway from Hough's farm, measuring a mile towards the Church of St. Augustin, have not been performed, as required by the Law of 1850; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Chabot, Solicitor General Chauveau, Crawford, Fourmier, Hincks, Lacoste, Laurin, Lemieux, McDonald of CORNWALL, Mackenzie, Malloch, Marchildon, McLachlin, Morin, Morrison, Attorney General Richards, Rose, Sicotte, Smith of DURHAM, Smith of FRONTENAC, Tessier, Varin, White, and Young.--(24.)

NAYS.

Messieurs Brown, Burnham, Cauchon, Dubord, Dumoulin, Gamble, Jobin, Johnson,

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LaFerrière, Sir Allan N. MacNab, McDougall, Polette, Poulin, Ridout, Stevenson, Street, Stuart, Viger, Willson, and Wright of West Riding of YORK.--(20.)

So it was resolved in the Affirmative.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to incorporate the Society for the erection of an Hotel in the City of Quebec;" and the same were read, as follow:--

Page 1, line 33. Leave out "twenty-five" and insert "forty."

Page 1, line 35. Leave out "twenty-five" and insert "forty."

Page 1, line 36. Leave out "two" and insert "three," and after "thousand" insert "two hundred."

Page 2, line 1. Leave out "two" and insert "three," and after "thousand" insert "two hundred."

Page 2, line 6. Leave out "abandon."

Page 2, line 8. After "fit" insert "subject to the By-Laws of the Society, to be passed by the Board of Management to be appointed as hereinafter provided."

Page 2, line 19. After "Railway" insert "Company," and after "East" insert "and the Saint Lawrence and Atlantic Railroad Company."

Page 2, line 20. After "Currency" insert "each."

Page 3, line 21. Leave out from "the" where it occurs the third time, to "Board" in line 22.

Page 3, line 22. After "Society" insert "and Auditors as hereinafter mentioned."

Page 3, line 30. After "Society" insert "and two persons to be Auditors."

Page 3, line 31. Leave out from "place" to "and" in line 34.

Page 3, line 35. Leave out from "management" to "of" in line 36.

Page 3, line 36. After "Society" insert "and of Auditors."

Page 3, line 39. After "the" where it occurs the second time, insert

"next," and leave out "following" and insert "thereafter not being a Sunday or a statutory Holiday."

Page 4, line 3. After "majority" insert "of votes."

Page 4, line 12. After "proxy" insert "being also a shareholder."

Page 4, line 16. Leave out "appointed" and insert "elected," and after "occasion" insert "by the Shareholders then present in person or by proxy."

Page 4, line 25. After "to" insert "appoint and employ and remove at pleasure "such Officer or Officers, Agent or Agents, Servant or Servants of the said Society, as they may find from time to time expedient or necessary, and to."

Page 4, line 28. After "from" insert "of certificates."

Page 5, line 1. After "contract" insert "a loan or."

Page 5, line 2. After "Society" insert "not exceeding in the whole at any one time the sum of Twenty-five thousand pounds Currency."

Page 5, line 5. After "of" insert "the several instalments and."

Page 5, line 15. After "Society" insert "certified by the Auditors as having been examined and found correct."

Page 5, line 18. After "shareholders" insert "giving at least fifteen days notice thereof in Newspapers published at the said City of Quebec, in the English and French languages respectively."

Page 5, line 21. Leave out from "four" to "and" in line 22, and insert "and that in the absence of the Chairman it shall be in the power of the Members present to elect from among themselves a Chairman for the time being, who, in addition to his vote as a Member of the Board, shall have a casting vote in case of an equal division of votes at the meeting of the Board at which he shall be chosen to preside."

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Page 5, line 22. After "death" insert "or resignation."

Page 5, line 23. Leave out from "absence" to "for."

Page 5, line 24. Leave out "three" and insert "six," and leave out from "of" where it occurs the second time, to "the" in line 26, and insert "the disqualification of any Member of the Board of Management."

Page 5, line 28. After "deceased" insert "resigned."

Page 5, line 29. Leave out "incapable" and insert "disqualified."

Page 5, line 32. Leave out from "management" to "office" and insert "going out of."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. Cauchon do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendments.

Ordered, That the Return from the Trust and Loan Company of Upper Canada, laid before the House on Tuesday last, be printed for the use of the Members of this House.

Ordered, That the Papers relative to the Canada Company, communicated to this House on Thursday last, be printed for the use of the Members of this House.

Ordered, That the Statement of the Affairs of the Great Western Railroad Company, laid before this House on Thursday last, be printed for the use of the Members of this House.

Ordered, That the Return relative to Railway Corporations, which was presented on Tuesday last, be printed for the use of the Members of this House.

Ordered, That the Return relative to Schools, &c., which was presented on the 8th November last, be printed for the use of the Members of this House.

The Order of the day for receiving the Report of the Committee of the whole

*House on the Bill to modify the Usury Laws, being read;*³⁶

MR. BROWN moved the reception of the report of the Committee of the whole on the usury laws.³⁷

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And the Question being proposed, That the Report be now received;

Mr. Gamble moved in amendment to the Question, seconded by Mr. Mackenzie, That all the words after "the" to the end of the Question be left out, in order to add the words "Bill be referred to a Select Committee, composed of Mr. Brown, the Honorable Mr. Young, the Honorable Mr. Badgley, the Honorable Mr. Robinson, and the Mover, to enquire and report with all convenient speed, what has been the result of the repeal or partial repeal of the Usury Laws in Great Britain, the adjoining States, and other Countries where the experiment has been already tried; with power to send for persons and papers" instead thereof.

And a Debate arising thereupon;

MR. GAMBLE ... regretted much that he had been absent on the former discussion of this matter and he could not allow this opportunity to pass without expressing his opinion upon it. If, he said, this experiment was to be tried at the expense of the lender he should not have so much objection to it, but such was not the case, for it would tell principally upon the³⁸ poor, the industrious and labouring classes³⁹, and he therefore felt it to be his duty to endeavour to have such an inquiry instituted that the result of the measure in other parts of the world might be obtained either with a view of carrying out the ideas of the mover in this matter by showing that they were right or else to show that the law should remain as it is. He did not think that the movers in this question had sufficiently considered what would be the effect of this measure or what had been its results in other countries. Though he had not been present at any of the former debates on this question, he was not ignorant of what had taken place with regard to it and he was perfectly satisfied that the results of the repeal of the Usury Laws in England and in the United States were not known by honourable members, and that they were therefore legislating in the dark. To what had been the effect of the repeal of the Usury Laws in Indiana he read the following extract from a letter published at Washington:--

WASHINGTON, D.C., March 7th, 1849.

Sir,--Your note of inquiry is before me. I propose leaving for home this evening, and my response must be brief. In Indiana the Usury laws were repealed twelve or fourteen years ago, perhaps more--and were not reinstated for three or four years. The frightful results of the repeal were not immediately developed. Many a stricken deer retired to die in secret, too proud to make known his ruin, induced by his own imprudence, and the absence of legal protection against it. Many were sold out of house and home, ere public attention was directed to the subject; but no sooner had the effects of the repeal been developed, and become the subject of public discussion and conversation, than irresistible public opinion called for Usury laws. The first step was to fix the rate of legal interest at 6 per cent., and to sanction contracts for 10 per cent. In two or three years the taking of more than 6 per cent. was prohibited. If I had time I would be glad to make a sketch of the desolations left in the track of the usurer, during his brief reign in "Hoosier land." I was judge of one of our Circuits at the time, and was a shuddering witness to these desolations. I have rendered judgment upon contracts for the payment of fifty or twenty cents per day or per week, for a loan of fifty or a hundred dollars--and in some instances the interest had become more than ten times the principal. It is worthy of remark that the

usurer rarely brought suit for his money until the accumulating interest had swelled the debt to an amount approximating closely the value of the debtor's estate, or until notified to do so by the surety, or endorser of the debtor. The usurer in the meantime counted and gloated over his daily or weekly accumulation of interest, and the debtor (poor fellow) lived upon the hope of extrication through some miraculous intervention. I am convinced that in some instances they had a secret faith, that the creditors would not find it in his heart to demand the entire sum legally due, or relied upon private assurances from the creditor to a like effect. Had the legislature not interfered, and tied the hands of the spoiler, an immense amount of property would have changed hands in a few years. As it was, clerks in stores, vendors of spirits by retail, &c., in many instances, became wealthy, almost without capital of their own; and by a use of a limited interest of the money of some friend, who knew them well and could watch over their operations; and to make them wealthy, a great number of small farmers, owning in fee, land worth from five to fifteen hundred dollars, were ruined. In many instances the ruin had not half done its work, when the estate of the borrower was engulfed. Discouraged, shamed, and indignant, he either fled to dissipation or became a man-hater. I know many men of excellent natural qualities, and much inclined to be moral and gay, and who became helplessly demoralized and misanthropical. The moral desolations occasioned by the absence of Usury laws, will tell upon any community to an extent, almost infinitely beyond the mere ruin of estate. To show that it is not best to repeal Usury laws as an expedient, it is only necessary to say, that the contracts made in one year, of the absence of such laws would not naturally develop their consequences during that year to any considerable extent. As years pass away, the evil results will develop themselves in a geometrical ratio. Long before they develop their full force and effects, the community will demand Usury laws, and the blighting curses of many a withered or aching heart, will follow the advocates of their repeal to their graves.

In haste, yours truly,
W.W. WICK.

Such was the result of their repeal in Indiana. After the experiment had been tried for four years it was found necessary to re-enact them, and no greater interest than 6 per cent. can now be exacted there. When in England the repeal of these laws or rather a partial relaxation of them, was contemplated, what was the course adopted? Why, a committee was appointed to inquire into the matter, which sat for two years, and called all classes of persons before them who knew anything of the working of the Usury Laws, whether in favour of their repeal or not, and then having gained an immense mass of information they proceeded to enact their laws. That was the course adopted in England and it seemed to him that they should do likewise, and appoint a committee and give them power to get every kind of information on the subject and to collect statistics as to what had been the results of the repeal of these laws in other countries, and then it would be possible for them to act with some degree of safety. It was not only in England that things were done in this manner, but in the United States also, as for instance in the reciprocity question, a committee was appointed which went into the whole history of the trade of the United States with Canada from its very commencement. He thought that if they did not adopt some such course as this with the question now before them, they might entail an amount of misery on the country that a very long time would not efface. He then read an extract from the Buffalo Commercial Advertiser as follows:--

"There is another cause of embarrassment in this State whose effects are being severely felt. This is the usury law. Until last winter there was no limit to the amount of interest which a lender might stipulate to receive for

the use of money--a perfect free trade in this as in articles of merchandise. The consequence has been that loans have been made at ruinous rates--from twenty to fifty per cent.--and even as high as one hundred, in places where the California fever raged. Farms to a great extent, have been mortgaged at these exorbitant rates of usury, and now that pay day is coming, a pressure is felt which must continue to increase until this indebtedness is cancelled. The Legislature last winter attempted to arrest the evil by passing a law fixing the legal interest at seven per cent., and limiting it to twelve by contract. But now the highest rate is most frequently that agreed upon--yet the evil is lessened. The result of free trade in money in Wisconsin shows clearly the folly of relaxing the usury laws. A blow has been inflicted upon the general business interests from which it will take years to recover. Say whatever we may upon the subject--put forth as many fine financial theories as we may, in favour of free trade in money, a little experience overthrows them all and proves that restraining laws are necessary for the protection of the general interests of a people."--Buffalo Commercial Advertiser, 11th July, 1851. He also read another extract to the same effect as follows:--

"At every session of the Legislature of the State the brokers in Wall Street make a desperate effort to repeal the usury laws. If the object is to benefit the borrowers to lower the rate of interest, to introduce capital, and make money plenty as is pretended, why are these men so interested in their repeal? We do not believe that these pretences will deceive the business community, and we trust that the experience of Wisconsin will warn us of the practical effects of the theories of those who advocate free trade in the currency of that country. It is to be lamented that the efforts of those who make it a business to loan money at enormous rates of interest should produce even the appearance of popular sympathy; for it is obvious that in this country, popular feeling will find its way, and exert its influence in every department of Government however high and however sacred it may be, and however far aloof it should be kept from the passions of men. But we do not believe that the people are misled, or that they wish anything but a stern and unbending adherence to those laws. They know full well that seven per cent. for the hundred dollars is a most abundant return for the year's use, and that the usurer has no excuse, unless a godless haste to be rich is sufficient to justify an infraction of the law of the land. They know too, that though forfeiture may seem hard, it fails here and there only as well deserved punishment, while the effects of usury may blight the whole land, as it has blighted Wisconsin. They know too, that the abrogation of these laws, protective as they are of the people, will not cheapen the use of money--that it cannot make capital flow in, unless it be followed by a rise of the rate of interest through combinations of capitalists. Money was once reputed sterile, but it proves prolific of money in our day, and nowhere is it more legitimately, and more surely prolific than in the good State of New York, protected in part by her Usury Laws."--Buffalo Commercial Advertiser, July 15th, 1851.

He considered this testimony as of the most important character, for, in these two instances, the inhabitants from being in favour of the abolishment of the Usury Laws, had, by experience, learned to demand their re-enactment.⁴⁰ At present there were no state[s] of the union where interest was not limited. He had no doubt that a similar course of events would follow in Canada as in the States he ... had mentioned. He would not cite any more examples from the United States, thought [sic] he believed he might do so; but he would show from good authority that the relaxation of the laws in England had been productive of mischief⁴¹. He ... read from a work published by Sergeant Byles to show the result of the partial relaxation of the Usury Laws in England in the number of cases in the bankrupt court caused by their relaxation. The

passage quoted was as follows:--

"But our own courts of common law, bankruptcy courts, and courts for the relief of indolent [sic] debtors, present daily instances of cruel extortion, in comparison of which the instances afforded in the evidence given before the Lord's committee and Lord Devon's committee are mildness and mercy. A loan at the rate of 60 per cent. per annum is not considered at all extortionate by those who have the means of knowing what takes place between distressed tradesmen, or gambling speculators and money fenders or discounters of bills. A loan for £80, for which a promissory note or bill for £100, at a month, is given, would be considered reasonable. But that is interest at 300 per cent. per annum. Whenever an impartial Parliamentary committee shall institute a searching inquiry in the proper quarter, they will find that interest at 100, 200, 300, 500 per cent per annum, and more, is among most multitudes paid, or promised to be paid, for the use of money. They will find, reckless speculation promoted, borrowers ruined, and the resources of the country misapplied and wasted; they will find in every court of common law the most cruel actions constantly brought to enforce these extortionate demands; actions in which the law, instead of being as she ought to be, the handmaid of justice, is in reality prostituted, and made an accomplice in the perpetration of the most iniquitous gambling and robbery."

There was a great difference between this country and England for here money was too dear, and the effect of the proposed change would be to make it dearer⁴² [while] there money was too cheap and it was desired to raise it, which certainly was not desired in Canada.⁴³ He had found the source from which the hon. member for Kent had drawn his bill, but it was like the play of Hamlet with part of Hamlet left out, for he had carefully left out all the clauses intended for the protection of the borrower. All the arguments that he had heard made use of were very old arguments, that he had read over and over again, and that had long been stereotyped for every discussion on the subject. The hon. member for Kent had been complaining that he had to deal with prejudices against the repeal of the Usury Laws; but for prejudices of so deep a nature and of so old a standing there must be some reason. It had been said that the reason for first enacting the Usury Laws arose out of hatred to the Jews, but if the writer who made that assertion had reflected at all, he must have known that Usury Laws existed among the Greeks and Romans, and in fact all over the world before any hatred of the Jews was thought of. It was ... the evils arising from free trade in money that caused the enactment of the Usury Laws. The Jews were, it is true, the great money lenders of Europe, but the hatred to them was caused by the exorbitant usury and extortion they practised. The hon. gentleman calls the feelings existing against the Usury Laws prejudices, but they are a great moral restraint, and the hatred of the usurer is a natural instinct which has always existed and will always continue to exist. The hon. member for Kent said, that money was a commodity and should be treated like any other commodity. He also contended that the laws were evaded and that they increased the rates of interest. He (Mr. Gamble) could not agree with the hon. gentleman in any of these positions, he did not believe that money was a commodity like any other commodity; on the contrary, he thought it different from any other for many reasons; nor did he think that the evasion of the Usury Laws was an argument in favour of their abolishment, because there were no laws that were not evaded more or less, and he also thought that the interest of money was kept down by the Usury Laws instead of being advanced by them, and persons intimately acquainted with the Usury Laws admit that in England the rate of money has been kept down by the Usury Laws. Other commodities are produced by individual industry, and the right of any person to deal with them as he will is absolute, but money is the creature of the state.⁴⁴

Hear, hear, and laughter from MR. BROWN and MR. INSP. GEN. HINCKS.⁴⁵

MR. GAMBLE [continued:] A ship was produced by individual labour, and when created was the absolute property of the individual who created it; but money derived its whole value from the stamp put upon it by the State.⁴⁶ (Hear, hear.) Money possesses an inherent power from the act of the state in making it a legal tender⁴⁷. To be sure gold was a commodity; but suppose you take cowie [sic] shells could not they be circulated as well as the paper of the banks? That paper, however, the banks were permitted to make into money only by the power of the State. Could not the same thing be done with cowie [sic] shells.⁴⁸

MR. INSP. GEN. HINCKS: of course if they were convertible into gold.⁴⁹

MR. GAMBLE [continued:] It was absurd to talk of gold being the basis of the currency, but if people were called on to exchange their paper for gold, could they do it?⁵⁰

MR. INSP. GEN. HINCKS.--Certainly.⁵¹

MR. GAMBLE.--Certainly! The Inspector General knows that they could not do it. The question, as he remembered to have heard it stated, was this--Supposing that parties who borrow money stand on equal ground, is it for the good of the people that money should be sold like merchandize, free from any stipulation? The whole thing turns on that question, but parties who contract for loans do not stand on equal footing with the lender, and it cannot be for the interest of the public that money should be bought and sold like merchandize without any stipulation but what the parties may agree upon.⁵² Why if there were no other reason for restriction this would be enough that money was an indispensable commodity, which every man must have.⁵³ No man can carry on any business without money. There is no other article that every man requires. It was unlike any other commodity in that respect, as well as in the power of being converted like any other article. The Usury Laws were called barbarous usages, but Adam Smith, a great authority in the matter, and who was willing enough to deal freely with the institutions of his time, admits the necessity of Usury Laws. The repeal of the Usury laws will, it is said, bring money into the country but it can only do so by raising the rate of interest and everyone must admit that raising the rate of interest would be a great evil to the country. The persons who advocate the repeal of the Usury Laws are those who have money to lend, and when such parties come and ask for a repeal of the Usury Laws, he must be permitted to view their course with considerable suspicion. He thought it rather strange that those whose interest it was to have the rate of money increased should advocate this bill, because, as they said, it would lower the rate of interest. Mr. Gamble then spoke of several countries in which Usury Laws did not exist, and stated the rate of interest there. In India, for instance, there are no Usury Laws, and the rate of interest is 12 per cent.; and in China, where there are no Usury Laws, it is 2 or 3 per cent. per month.⁵⁴ He [also] cited the example ... of ... Turkey ... to prove that where there were no usury laws, the rate of interest was high. He then reverted to his previous argument that money being a creature of the state the actual holder had only a qualified use for it. Government, however, though they could give this power to money to circulate could not do so in land. Another thing was that you never heard of a scarcity of all other articles; but you often heard of a scarcity of money, large capitalists could create a scarcity of money; but not of other commodities. The tendency of money was to concentrate in the pockets of individuals; it went out on loan and came back again with interest. This was not the case with other commodities and the present law would increase the concentrative tendency of money.⁵⁵

MR. BROWN.--What do you mean by money?⁵⁶

MR. GAMBLE.--That which by law is a legal tender. A man may cart 100 bushels of wheat into the sea, and no one can find fault, but if persons were to hoard up money, and bring the business of the country to a stand, would any one contend they had either a legal or a moral right to do so.⁵⁷ Besides the borrower and lender were not on equal terms; but this was not the case with the man who went buying. When he priced the goods, he felt himself a free agent; but was this the case with the borrower? No; mark his dejected submissive air, when he went to the banks or to a rich lender to renew his note. It could not then be for the interest of the community that the poor should thus be ground down by extortion for the advantage of a few.⁵⁸ The effect of the repeal of the Usury Laws would at once be felt by the industrial hardworking classes in the increased rate at which it would be held.⁵⁹ He then cited the laws to prevent imposition on wives, minors, seduced women emigrants &c., as examples of the law protecting the individual. He proceeded to remark that the Banks were not permitted by this law to take higher than six per cent. Why was that, if the law was to make money plenty, why except the largest dealers. The fact was that the design was to keep the banks at a low rate of interest so that they might lend at that rate to private speculators who could again charge what they please certain that the rate could never fall below 6 per cent. The fact was that all laws were made to restrain the passions of men, and avarice was as necessarily restrained as the unbridled lust or any other passion.⁶⁰ To say that the law was evaded was no argument at all. Were not the Customs Laws evaded--but did the Inspector General propose to do away with them on that account.⁶¹ Had he had no opportunity to express his opinion on this subject, he would have been a miserable man, widows and orphans would, like spectres, have haunted his wretched pillow. He had had that opportunity; but he did not expect that what he had said would induce any one to change his opinion, though he believed if hon. members would but calmly consider the subject, they would be ready rather to regret the bill than to pass it, and so create, he much feared, a mass of misfortunes.⁶² The hon. gentleman concluded his remarks ... by expressing his conviction that the repeal of the Usury Laws could only end in bringing ruin and misery, upon large classes of the community.⁶³

MR. INSP. GEN. HINCKS did not expect any debate on this question, but the hon. member for South York appeared not only to have read up the subject, but also to have been so much excited upon it that his speech requires some notice. The hon. gentleman commenced by reverting to the laws of the United States, but he has been very unfortunate in his observations on that particular, because they have no reference to the bill introduced by the hon. member for Kent⁶⁴ for in fact the bill went so short a way, as to excite scarcely any interest in the mind of him, a thorough opponent of the whole law.⁶⁵ The argument in favour of the abolition of the Usury Laws were hardly worth bringing forward at all. At the same time, considering the state of parties, and the strong feeling with regard to this question, the course taken by his hon. friend from Kent was perhaps the wisest that could be adopted.⁶⁶ When he heard the hon. member talk of the interest in Wisconsin being fixed at 12 per cent., it was certainly most absurd to complain of this law, which did not propose to permit more than 6 per cent to be charged⁶⁷. The only object of the bill was to do away with the heavy penalty now inflicted for usury, but as the penalty was never enforced, that was of but little consequence. The authority of Sergeant Byles which had been quoted by the hon. member for York, and which had been quoted before in that House, he looked upon as of very little weight from the peculiar position that he occupied. As to the operation of the Usury Laws in England during the relaxation, the best proof of the beneficial effect

of the measure was that no proposition to put the Usury Laws in force again, was ever made. In England, they had proceeded with the utmost caution, the first operation being only for a limited period, and afterwards the measure was made perpetual, and the best authority on the subject was the simple fact that at each successive passing of the law, no one was found to oppose it. Sergeant Byles took his evidence on the subject from the⁶⁸ Bankruptcy and Insolvent Court⁶⁹ where he only heard the very worst side of the question, but he says nothing of the persons saved from ruin, by being enabled from the repeal of the measure to borrow money to save themselves from ruin.--(Hear, hear.)⁷⁰ Men indeed could not be saved from imprudence and folly, and in spite of the usury laws there were bankrupts here.⁷¹ He was astonished to hear the attempt made at the present day to prove that gold and silver are not commodities like anything else. The hon. gentleman who upholds the doctrine can not be deluded with the theories he was attempted to pass off on the House.⁷² The stamp on [the] coin merely indicated its quantity and fineness; but it did not give any increased value.⁷³ He talks about cowrie shells. Suppose they were a legal tender here, what could be got for them anywhere else?⁷⁴ How much flour would you get for bank notes redeemable in cowrie shells. Gold and silver was [sic] like any thing else: their value increased or diminished according to the supply or demand. The decrease in the value of gold since the discovery of California and Australia was the best proof of that.⁷⁵ The hon. gentleman also spoke in severe terms of the usurer's taking advantage of the necessities of the borrower,⁷⁶ [he] talked of the extortion of the money lender⁷⁷, but he should remember that all kinds of securities are not the same, and the person who lends on inferior paper must be paid for the risk that he runs. What is the reason that one man has to pay higher interest than another?⁷⁸ Of course because the value of the security was different.⁷⁹ If, for instance, the hon. member for the County of Welland were to put his name on a note of five thousand pounds, and he (Mr. Hincks) were to put his name on a similar note, which would the hon. gentleman who has just spoken give most for? (Laughter.) What is the reason that the price of consols vary so much, or how is it that they are not the same as Portuguese⁸⁰, Spanish⁸¹, or Austrian securities. The price of those, like any other articles, must depend upon the value of the commodity, and in the case of a person in needy circumstances who is obliged to borrow money to save himself from ruin, it is for the good of the community that he should find some one to assist him, and that person must be paid for the risk that he runs in so doing. If the value of money is more than 6 per cent., why should the holder of it not get more than 6 per cent. To carry out his principle, the hon. gentleman should compel people to lend money at 6 per cent. to all who wanted it. In England, money was too cheap, and yet the Bank of England charged 10 per cent., when⁸² you were prevented from law by charging more than 6 per cent here where money is well known to be worth more than in England.⁸³ Is it not perfectly well known that when money has been cheap here and in demand at New York, people have sent it there to get a higher rate of interest⁸⁴ rather ... than take less than its value here.⁸⁵ He denied that the large capitalists were in favor of this repeal of the Usury Laws: on the contrary, they were opposed to it because it would lower the rate of interest. The hon. gentleman seems to imagine that borrowers can get money at 6 per cent., but every one knew that such was not the case. The Trust and Loan Company which was allowed 8 per cent. for their money, had no difficulty in disposing of it at that rate. No man can get money in this country at 6 per cent., and yet it is more plenty than it has been for a long time. Money was just the same as flour or any other article of trade: if it was scarce, it was dear and vice versa. He (Mr. Hincks) did not think any man the worse for being called a usurer. (Hear, hear, and oh, oh.)⁸⁶ God knew no one ever suspected him of being one, so

that he was free from selfish motives in saying so.⁸⁷ It was perfectly impossible to carry into effect the laws intended for the prevention of usury.⁸⁸ Hon. gentlemen were told about the losses persons incurred from paying usurious interest, but they were not told of the losses daily incurred by those who could not borrow money to pay their debts.⁸⁹ The effect of these laws is, that people in distress are not able to get money; and their property is consequently sold because they are not allowed to pay for the money they wish to borrow for what it is really worth, and therefore no one will let them have it. If a man wants £1000, and he can't get it, he still wants it, and he either must get it by means of usury or be ruined. The Usurer can make more than 6 per cent. for his money in various ways, and yet if when he lends it he attempts to get its real value, he is pulled up for an infringement of the Usury Laws.⁹⁰ At present a man had not only to pay for the value of the money, but also the risk which the lender had to run. The money must be had.⁹¹ Again, the effect of these laws is to drive all respectable men out of the money-lending business, because they neither wish to infringe on the law, nor to part with their money at less than its real value, and the business is thus confined to a few speculators, who charge according to the risk they run of being detected. In England there was a wide margin allowed, while here no one could borrow money for less than 6 per cent. let his paper be as good as it might; but in England the rate of interest varied according to the value of the security. The great defect of the present system is that there is no difference between the various kinds of security.⁹² The effect of the present laws was to make money dearer by increasing the risks of the lender. Lenders were obliged to run desperate risks, and they charged for those risks, in the same way that smugglers did, for the desperate risks which it was known they made in the trade of running. All the authority of the standard writers of England on political economy was against these laws. He objected to the proposition of appointing a committee. He did not see that any good could come out of this course.⁹³ He had hoped that the present bill was of such a moderate nature that it would have met with general support from all sides of the House to give an opportunity of testing what the effects of repealing the Usury Laws were likely to be.⁹⁴

MR. MACKENZIE pointed out to Mr. Hincks that he was in error in stating that the relaxation in the Usury Laws was made perpetual in England. It was only in force till 1856.⁹⁵

MR. INSP. GEN. HINCKS acknowledged his mistake, but said that at any rate the experiment had been tried for 18 or 20 years, without any attempt to alter it.⁹⁶

MR. STREET said the arguments used had convinced him of the impropriety of the total repeal of the usury laws. That would place the large capitalist in a position of injuring the poor.⁹⁷ [He] said that the principal argument used in favour of the repeal of these laws, is one drawn from the United States, and it had been attempted to be shown, that in most of the United States a rate of interest has been allowed to be charged, higher than we allow to be given here, and from that it is argued that no one should repeal the Usury laws in general; but he thought this argued exactly the other way.⁹⁸ The bill ... left a wide door open for fraud.⁹⁹ What was proposed to be done by this bill? To sweep away those laws altogether, but there is a strange inconsistency in the bill, and he could not see how they could find reasons to advocate such a measure. In one place the bill says, that the Usury laws should be repealed altogether, and then it says in another place that the legal rate of interest shall be 6 per cent. The inconsistency lies in this, that the law establishes the rate of interest at 6 per cent.¹⁰⁰, [and] would not allow a higher to be collected, although it might be agreed upon¹⁰¹, and yet on the face of the bill

we allow people to charge what rate of interest they like. If it is wise to repeal the Usury laws, let it be done altogether, and let money flow into the country as gentlemen say it will.¹⁰² He did not believe that the rate of interest would be lowered¹⁰³. He contended ... that this measure would not [sic] have the effect of raising the rate of interest. If the member for Kent was sincere in his belief, that the rate of interest would be reduced by his bill, why did he not do away with the rate of 6 per cent. He has said over and over again, that the repeal of the Usury laws would bring in money at such a rate, that it would reduce the rate of interest, and yet he retains the rate of 6 per cent. He is therefore insincere in his bill. It was said that the commercial classes wanted this bill, and if it was confined to them, he should not be so much opposed to it, but because they wanted it, was that any reason why we should force it on the agricultural classes.¹⁰⁴ It would be ruinous to the farmers. The hon. member continued to speak in reply to the arguments of the Inspector General.¹⁰⁵ Let it be confined to the commercial classes for whose benefit it is intended. This bill compels a man to pay on the security of his farm more than he can ever afford to pay, and which must ruin him in the end. If a man cannot borrow money at 6 per cent., under the present law, how can he do so under this one¹⁰⁶ for capitalists would not lend on a security which they could not recover.¹⁰⁷ If money is worth more than [sic] 6 per cent., he should like to know how the capitalist is to lend it at that rate. So long as you continue the clause limiting the rate to 6 per cent., you do not do away with the evil complained of. He did not mean to advocate that anybody should receive more than 6 per cent., all he wanted to do was to show the absurdity of this bill.¹⁰⁸ The present laws might be "got round" sometimes, (hear, hear) but he believed in the ordinary business transactions they were not evaded. The evasions were the exceptions to the rule. He did not believe there were any transactions of great importance with capitalists at a usurious rate of interest.¹⁰⁹ He stated that the capitalists of this country were not men to break through the Usury laws for the sake of a small increase of interest. They had too much regard for their own character as well as for their interests.¹¹⁰ He admitted that mortgages were sometimes bought at a discount.¹¹¹

Loud ironical cries of "hear" and MR. BROWN said "made."¹¹²

MR. STREET with warmth said [sic] no, he would not admit that. But he did not believe that if securities were bought up at a discount, that was an argument in favour of the repeal of the usury laws, although it might be for raising the legal rate of interest (hear, hear.) It was contended that there were smugglers but was that a reason to sweep all the custom laws from the statute book? No. He denied the similarity between England and this country, and he did not think the arguments derived from that was worth anything. Besides in England the law was different from that proposed here.¹¹³

MR. COM. PUB. WORKS CHABOT (in French) contended that the evasion of laws was no reason for their abolition. Else you might as well say abolish the laws against stealing because there are thieves. Altogether he considered the bill pernicious and absurd. Pernicious because it would encourage usury, and absurd, because it did not permit, the enforcing of contracts which it allowed to be made. Besides it was absurd to limit chartered institutions to 6 per cent., while other persons might make contracts at any rate they pleased.¹¹⁴

MR. SOL. GEN. CHAUVEAU (in French) commented on the inconsistencies of the arguments which had been used in support of the bill, and on inconsistencies of the bill. He said that if authorities in England were in favor of the repeal of the usury laws, the most advanced authorities in France were in favor of their continuation. It was false that money was a commodity, it was only a sign of value. He continued to contend that the bill before the House was most

pernicious, and that it would be injurious to the country.¹¹⁵

(554)

Sir Allan N. MacNab moved, seconded by the Honorable Mr. Macdonald, and the Question being put, That the Debate be adjourned until Wednesday next; the House divided:--And it passed in the Negative.

MR. TURCOTTE (in French) said this bill was of immense importance, and would effect society in its entirety. He contended, that a measure of such importance, ought to be met by the government as a government. The bill if passed would injure the country. In times of bad harvest the farmers had to borrow, and they could not afford to pay more than 6 per cent. If the commerce of Upper Canada required such a law, let it be applied there, and not to Lower Canada, where it was not wanted, and where it would do harm. Besides the grave consequences that must result from the bill if passed, in a pecuniary sense, the immorality that would result, would be deplorable.¹¹⁶

MR. PROV. SEC. MORIN (in French) defended the position of the government and said that under responsible government some important questions must always be left open. He was against the bill.¹¹⁷

COL. PRINCE made some general remarks in the debate, and censured the Morning Chronicle of this city, which he considered a respectable paper, for attacking the habitants for their want of enterprize. He proceeded to refer to the means by which the usury laws might be considered. One of these means was to buy up mortgages perhaps for a third of their value. (Hear, hear.) That was not usury, but it was morally worse. (Hear, hear.) Yet such things were common in the west. A law which could be evaded was not good. The shopkeeper did not want the usury laws, nor did the farmer; who then did want them? The speculator.¹¹⁸

MR. CHAPAIS (in French) warmly urged that the law should only be confined to Upper Canada. The members from Lower Canada, had all spoken against it, why then should the Upper Canada members force it upon them? They behaved to Upper Canada, with more liberality. The bill was immoral and it would do a darker wrong to Lower Canada, than was supposed. But if Upper Canada would persist in forcing this measure upon them against their will, they might not abstain from voting an Upper Canada measure according to their ideas when they might be requested to decline doing so.¹¹⁹

MR. ROSE opposed the bill, because his constituents did not want it. For the rest he did not believe in the arguments of those who were in favour of the bill, and he contended the present law was productive of good effects.¹²⁰

MR. MACKENZIE spoke at length against the bill. He reiterated the principles which he urged the previous evening¹²¹.

MR. BROWN rose to reply, but loud "question" arising, he sat down.¹²²

(554)

And the Question being put, That all the words after "the" to the end of the Question be left out, in order to add the words "Bill be referred to a Select Committee, composed of Mr. Brown, the Honorable Mr. Young, the Honorable Mr. Badgley, the Honorable Mr. Robinson, and the Mover, to enquire and report with all convenient speed, what has been the result of the repeal or partial repeal of the Usury Laws in Great Britain, the adjoining States, and other Countries where the experiment has been already tried; with power to send for persons and papers;" the House divided: and the names being called for, they were taken down, as follow:--

(555)

YEAS.

Messieurs Badgley, Chabot, Chapais, Solicitor General Chauveau, Dubord, Fournier, Gamble, Gouin, Lacoste, LaTerrière, Laurin, LeBlanc, Lemieux, Mackenzie, Marchildon, Mongenais, Robinson, Rose, Smith of FRONTENAC, Seymour, Stevenson, Street, Taché, Turcotte, Valois, and Viger.--(26.)

NAYS.

Messieurs Brown, Burnham, Christie of WENTWORTH, Crawford, Egan, Fergusson, Hartman, Jobin, Langton, McDonald of CORNWALL, Malloch, Mattice, McDougall, McLachlin, Merritt, Morrison, Murney, Paige, Patrick, Poulin, Prince, Attorney General Richards, Ridout, Shaw, Sicotte, Smith of DURHAM, Varin, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(52.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Fortier moved in amendment to the Question, seconded by Mr. Mongenais, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Chabot, Chapais, Solicitor General Chauveau, Dubord, Fournier, Gamble, Gouin, Lacoste, LaTerrière, Laurin, LeBlanc, Lemieux, Mackenzie, Marchildon, Mongenais, Robinson, Rose, Smith of FRONTENAC, Seymour, Stevenson, Street, Taché, Turcotte, Valois, and Viger.--(26.)

NAYS.

Messieurs Brown, Burnham, Christie of WENTWORTH, Crawford, Egan, Fergusson, Hartman, Jobin, Langton, McDonald of CORNWALL, Malloch, Mattice, McDougall, McLachlin, Merritt, Morrison, Murney, Paige, Patrick, Poulin, Prince, Attorney General Richards, Ridout, Shaw, Sicotte, Smith of DURHAM, Varin, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(52.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Gamble moved in amendment to the Question, seconded by Mr. Mackenzie, That all the words after "the" to the end of the Question be left out, in order to add the words "Bill be recommitted to a Committee of the whole House, with an Instruction to add the following Clause thereunto:--'And be it further enacted, that every payment of interest exceeding the rate aforesaid, shall be taken to be in discharge of the principal money, or of interest at the rate aforesaid, any agreement to the contrary or actual appropriation of payment notwithstanding: And that so soon as the amount of the principal sum with interest as last aforesaid shall be repaid, the said principal sum, with all

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interest due thereon, shall be deemed to be paid and satisfied: Provided that when the said principal sum, and interest at the rate aforesaid, shall have been paid and satisfied, any further payment voluntarily made on account of any excess of interest reserved by the original contract of loan or forbearance, shall be lawful and irrevocable'" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Chabot, Chapais, Solicitor General Chauveau, Dubord,

Fournier, Gamble, Gouin, Lacoste, LaTerrière, LeBlanc, Lemieux, Mackenzie, Marchildon, Mongenais, Robinson, Rose, Seymour, Smith of FRONTENAC, Sicotte, Stevenson, Street, Taché, Turcotte, Valois, Varin, and Viger.--(27.)

NAYS.

Messieurs Brown, Burnham, Christie of WENTWORTH, Crawford, Egan, Fergusson, Hartman, Jobin, Johnson, Langton, Malloch, Mattice, McDougall, McLachlin, Morrison, Murney, Paige, Patrick, Poulin, Prince, Attorney General Richards, Ridout, Shaw, Smith of DURHAM, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(29.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Turcotte moved in amendment to the Question, seconded by Mr. Dubord, That all the words after "the" to the end of the Question be left out, in order to add the words "Bill be recommitted to a Committee of the whole House, with an Instruction to amend the same so that its immediate operation shall only affect Commercial transactions between Trader and Trader, and that as regards all other transactions it shall not come into operation until five years after the passing thereof" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Chabot, Chapais, Solicitor General Chauveau, Dubord, Fournier, Gamble, Gouin, Lacoste, LaTerrière, LeBlanc, Lemieux, Mackenzie, Marchildon, Mongenais, Robinson, Rose, Smith of FRONTENAC, Seymour, Stevenson, Street, Taché, Turcotte, Valois, and Viger.--(25.)

NAYS.

Messieurs Brown, Burnham, Christie of WENTWORTH, Crawford, Egan, Fergusson, Hartman, Jobin, Johnson, Langton, Malloch, Mattice, McDougall, McLachlin, Morrison, Murney, Paige, Patrick, Poulin, Prince, Attorney General Richards, Ridout, Shaw, Sicotte, Smith of DURHAM, Varin, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(31.)

(557)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

The Honorable Mr. Chabot moved in amendment to the Question, seconded by Mr. Fournier, That all the words after "the" to the end of the Question be left out, in order to add the words "Bill be recommitted to a Committee of the whole House, with an Instruction to add the following Clause thereto:--

'And be it enacted, that in all suits or actions for the recovery of the capital of any loan, or the interest thereon, or both, the debtor shall be entitled to examine the lender on his oath, respecting all the facts connected with the said loan; and the said lender shall be a competent witness, and shall be bound to answer: and in Lower Canada the debtor may submit faits et articles to the Plaintiff who shall be bound to answer the same, as in other Civil Cases in Lower Canada.'" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Gamble moved in amendment to the Question, seconded by Mr. Mackenzie, That all the words after "the" to the end of the Question be left out, in order to add the words "Bill be recommitted to a Committee of the whole House, with an Instruction to amend the same, by adding the following Clause at the end thereof: 'Provided always and be it enacted, that this Act shall apply

only to Notes and Bills not having three months to run" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Solicitor General Chauveau moved in amendment to the Question, seconded by the Honorable Mr. Viger, That all the words after "the" to the end of the Question be left out, in order to add the words "Bill be recommitted to a Committee of the whole House, with an Instruction to amend it so that its provisions may apply only to Upper Canada" instead thereof;

A discussion arose on this amendment. The question of governing by sectional majorities was admitted; but it was contended that this bill formed an exception being of general, not of local interest.¹²³

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Chabot, Chapais, Solicitor General Chauveau, Dubord, Fournier, Gouin, Lacoste, LaTerrière, LeBlanc, Lemieux, Mackenzie, Marchildon, Monjeais, Ridout, Rose, Stevenson, Smith of FRONTENAC, Taché, Turcotte, Valois, and Viger.--(21.)

NAYS.

Messieurs Badgley, Brown, Burnham, Christie of WENTWORTH, Crawford, Egan, Fergusson, Gamble, Hartman, Jobin, Johnson, Langton, Malloch, Mattice, McDougall, McLachlin, Morrison, Murney, Paige, Patrick, Poulin, Prince, Attorney General Richards, Robinson, Seymour, Shaw, Sicotte, Smith of DURHAM, Street, Varin, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(35.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Gouin, That all the words after "the" to the end of the Question be left out, in order

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to add the words "Bill be recommitted to a Committee of the whole House, for the purpose of excepting the County of Haldimand from its operation" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Turcotte, That all the words after "the" to the end of the Question be left out, in order to add the words "Bill be recommitted to a Committee of the whole House, for the purpose of adding the following Proviso at the end of the second Clause thereof: 'Provided always, that nothing herein contained shall extend to the loan or forbearance of any money upon security of any lands, tenements or hereditaments, or any estate or interest therein;' and also for the purpose of inserting the following additional Clause: 'And be it enacted, that this Act shall continue in force for one year, and from thence to the end of the then next ensuing Session of the Legislature, and no longer'" instead thereof;

MR. MACKENZIE: That ... was the English law.¹²⁴

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Burnham, Chabot, Chapais, Solicitor General Chauveau, Dubord, Fournier, Gamble, Gouin, Lacoste, LeBlanc, Lemieux, Mackenzie, Marchildon, Mongenais, Robinson, Rose, Seymour, Stevenson, Smith of FRONTENAC, Street, Taché, Turcotte, Valois, and Viger.--(24.)

NAYS.

Messieurs Brown, Christie of WENTWORTH, Crawford, Egan, Fergusson, Hartman, Jobin, Johnson, Malloch, Mattice, McDougall, McLachlin, Morrison, Murney, Paige, Patrick, Poulin, Prince, Attorney General Richards, Ridout, Shaw, Sicotte, Smith of DURHAM, Varin, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(29.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Burnham, Christie of WENTWORTH, Crawford, Egan, Fergusson, Hartman, Jobin, Johnson, Malloch, Mattice, McDougall, McLachlin, Morrison, Paige, Patrick, Poulin, Prince, Attorney General Richards, Ridout, Shaw, Sicotte, Smith of DURHAM, Varin, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(30.)

NAYS.

Messieurs Chabot, Chapais, Solicitor General Chauveau, Dubord, Fournier, Gamble, Gouin, Lacoste, LeBlanc, Lemieux, Mackenzie, Marchildon, Mongenais, Robinson, Rose, Seymour, Stevenson, Smith of FRONTENAC, Street, Taché, Turcotte, Valois, and Viger.--(23.)

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So it was resolved in the Affirmative.

Mr. Malloch reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Street, seconded by Mr. Smith of Frontenac,
The House adjourned.¹²⁵

APPENDIX: 7 MARCH 1853.

[NOTICE OF MOTION RE: BILL TO MAKE QUEEN'S BENCH AND COMMON PLEAS COURTS EFFICIENT.]

MR. J.A. MACDONALD [gave notice that] on Wednesday next [he will introduce a] Bill to repeal, amend and consolidate the provisions of certain Acts therein mentioned, and to simplify and expedite the proceedings in the Courts of Queen's Bench and Common Pleas in ... Upper Canada.¹²⁶

[NOTICE OF MOTION RE: GARNISHMENT OF PUBLIC OFFICERS' WAGES IN SOME CIRCUMSTANCES.]

MR. DUMOULIN [gave notice that] on Wednesday next [he will introduce a] Bill intituled, "An Act to enable Creditors of Public Officers to seize the Salaries and emoluments of such Officers, in certain cases."¹²⁷

[NOTICE OF MOTION RE: NEW SURVEY OF A HAMILTON CONCESSION LINE.]

MR. BURNHAM [gave notice that] on Wednesday next [he will introduce a] Bill to authorize a new Survey of the Concession Line between the sixth and seventh Concessions of the Township of Hamilton, in the County of Northumberland.¹²⁸

[NOTICE OF MOTION RE: RESOLUTIONS FOR A NORTH SHORE RAILROAD.]¹²⁹

MR. CAUCHON [gave notice that] on Wednesday next [he will move for a] Committee of the Whole, to take into consideration the following Resolutions:--

1. That the Richmond and St. Lawrence Railroads are not the shortest and most direct, and cannot be the natural route between Quebec and Montreal, being moreover at a considerable distance from the two shores of the river, and therefore incapable of becoming useful to the numerous population thereof.

2. That the two cities of Quebec and Montreal being likely to be doubled within a very short period, the St. Maurice likely to develop a trade in timber, the extent of which is incalculable, and the north shore of the river possessing everywhere water power and numberless sources of wealth, a Railroad has become necessary for the prosperity of that part of the country.

3. That even were the Provincial Guarantee granted to the North Shore Railroad, and the Trois Pistoles Railroad continued by the aid of such guarantee to the eastern frontier of this Province, Upper Canada would still enjoy a greater amount of guarantee than that possessed by Lower Canada.

4. That the three thousand inhabitants of the North Shore of the St. Lawrence cannot therefore, without injustice, be refused the Provincial Guarantee, or they will otherwise be deprived of the means of escaping from isolation and of communicating with the immense network of Railroads which covers the whole of North America.¹³⁰

[NOTICE OF MOTION RE: SUSPENSION OF HOUSE RULES FOR QUEBEC BRIDGE PETITION.]

MR. STUART [gave notice that] on Wednesday next [he will move] that the 64th, 65th, 66th and the 70th Rules of this House be suspended, so far as relates to the Petition of the Archbishop of Quebec and others, relative to a Bridge over the St. Lawrence at Quebec.¹³¹

[NOTICE OF MOTION RE: AMENDMENT OF RAILWAY CLAUSES CONSOLIDATION ACT.]

MR. BADGLEY [gave notice that] on Wednesday next [he will introduce a] Bill to amend the General Railway Clauses Consolidation Act.¹³²

[NOTICE OF MOTION RE: INCORPORATION OF MEGANTIC JUNCTION RAILWAY AND CANAL COMPANY.]

MR. CLAPHAM [gave notice that] on Wednesday next [he will introduce a] Bill intituled, "An Act to incorporate the Megantic Junction Railway and Canal Company."¹³³

[NOTICE OF MOTION RE: INSTRUCTION TO ICE BRIDGE COMMITTEE TO INVESTIGATE WINTER STEAMERS.]

MR. COM. PUB. WORKS CHABOT [gave notice that] to-morrow [he will move] that instructions be given to the Special Committee named on the Ice Bridge on the river St. Lawrence at Quebec, to make inquiry and report on the possibility and practicability of establishing a line of communication by Steamers between the City of Quebec and the South shore of the River St. Lawrence during the winter months, and what would be the best mode of constructing these steamers, and of what materials and power, and the probable cost of each of the steamers, and what number would be necessary.¹³⁴

[WITHDRAWN MOTION RE: IMPROVEMENT OF OTTAWA RIVER RAPIDS.]¹³⁵

MR. EGAN moved an address to His Excellency praying that he will recommend to this House, that a sum of money be granted to improve the Long Sault and Carillon Rapids on the River Ottawa, for the purpose of facilitating the descent of timber, deals and Saw logs.¹³⁶

MR. PROV. SEC. MORIN said there was constitutional objection to such an address being carried by the House.¹³⁷

Motion withdrawn.¹³⁸

[POSTPONED MOTION RE: REGULATION OF ADMIRALTY COURT FEES.]¹³⁹

MR. DUBORD moved an address to Her Majesty to regulate the fees in the Court of Admiralty [sic]. He stated that this Court had been founded by Imperial act, and had not been found of the utility which was expected from it; but as it was established the fees ought to be made moderate. Instead of that the Pilots had sued a ship for £8, and the cost had come to £40, which in other Courts would not have exceeded £5. In the case of collision with the Frederick, the same thing was true. In another case in consequence of the law which exempted ships below 125 tons from taking Pilots a dispute arose with reference to a ship which was under by one measurement and over by another. She was sued for £7, and the expenses came to £35.¹⁴⁰ There was no power of reducing the fees in the country, and he therefore wished to have the matter referred to the Home Government.¹⁴¹

MR. AT. GEN. DRUMMOND thought this matter ought to be inquired into, there were few cases before the court; but there were often cases of hardship.--He, therefore begged the hon. member to let the address stand over till Thursday, in order that he (Mr. Drummond) might inquire into the facts¹⁴² [and] the best mode of proceeding.¹⁴³

MR. DUBORD assented.¹⁴⁴

MR. STUART said that this matter had been laid before the Imperial Government, and also the Provincial Government, and that¹⁴⁵ formerly great abuses had existed in the admiralty Coult [sic], which had caused great hardship, especially to the shipping interest. Actions of a frivolous nature were frequently brought by seamen, which came almost always, at last upon the ship. The consequence of this was the suspension of the tariff of fees, and the

handing over of many of the cases formerly tried by the Admiralty Court to the Police magistrate. This had been he believed satisfactory and it ought to be understood that there were cases, which could not properly be tried elsewhere than in the Admiralty Court. He should be most happy to do all in his power, however, to forward any reform.¹⁴⁶ There were still cases of hardship ... and he had no objection that the matter should be inquired into.¹⁴⁷

MR. R. CHRISTIE could not understand why any application should be made to England.¹⁴⁸ [He] contended that this was a local matter and should be treated as such, and that the Province had a right to regulate the fees, without reference to the Imperial Government.¹⁴⁹

COL. PRINCE said there was no doubt that the Province had the power of regulating the fees in this instance as it had already done in Upper Canada. He then went on to speak of the reduction of fees in Upper Canada, which would have the effect of driving all the respectable lawyers out of the profession.¹⁵⁰

MR. BADGLEY, however, believed that the Provincial Legislature had no control over this matter. The Vice Admiralty Court here¹⁵¹ had not been established under Provincial authority at all, but was a delegation from the High Court of Admiralty of England¹⁵² and it was therefore altogether independent of our Courts or our jurisdiction.¹⁵³

In accordance with the request of the Solicitor General, the motion was postponed.¹⁵⁴

FOOTNOTES: 7 MARCH 1853.

1. The debate on this matter was reported by GLOBE, 17 March 1853. The following papers noted the debate in identical accounts: MORNING CHRONICLE, 9 March 1853, PILOT, 12 March 1853, and BRITISH COLONIST, 15 March 1853.
2. GLOBE, 17 March 1853.
3. IBID.
4. IBID.
5. MORNING CHRONICLE, 9 March 1853.
6. GLOBE, 17 March 1853.
7. IBID.
8. IBID.
9. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 9 March 1853, PILOT, 12 March 1853, MONTREAL GAZETTE, 14 March 1853, and BRITISH COLONIST, 15 March 1853. The debate was also reported by GLOBE, 17 March 1853.
10. MORNING CHRONICLE, 9 March 1853.
11. GLOBE, 17 March 1853.
12. IBID.
13. MORNING CHRONICLE, 9 March 1853.
14. GLOBE, 17 March 1853.
15. MORNING CHRONICLE, 9 March 1853.
16. IBID.
17. IBID.
18. GLOBE, 17 March 1853.
19. MORNING CHRONICLE, 9 March 1853.
20. GLOBE, 17 March 1853.
21. IBID.
22. MORNING CHRONICLE, 9 March 1853.
23. IBID.
24. IBID.
25. IBID.
26. GLOBE, 17 March 1853.
27. MORNING CHRONICLE, 9 March 1853.
28. IBID.
29. The debate on this matter was reported by GLOBE, 17 March 1853. The following papers noted the debate in identical accounts: MORNING CHRONICLE, 9 March 1853, PILOT, 12 March 1853, and BRITISH COLONIST, 15 March 1853.
30. MORNING CHRONICLE, 9 March 1853.
31. GLOBE, 17 March 1853.
32. IBID.
33. MORNING CHRONICLE, 9 March 1853.
34. IBID.
35. GLOBE, 17 March 1853, reported that "only Mr. Mackenzie ... [voted] in the negative."
36. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 9 March 1853, PILOT, 12 March 1853, MONTREAL GAZETTE, 14 March 1853, BRITISH COLONIST, 15 March 1853, HAMILTON SPECTATOR DAILY, 16 March 1853, HAMILTON SPECTATOR WEEKLY, 17 March 1853, and NORTH AMERICAN WEEKLY, 24 March 1853. The debate was also reported by GLOBE, 17 March 1853. A commentary appeared in NORTH AMERICAN WEEKLY, 17 March 1853.
37. MORNING CHRONICLE, 9 March 1853.
38. GLOBE, 17 March 1853.

39. MORNING CHRONICLE, 9 March 1853.
40. GLOBE, 17 March 1853.
41. MORNING CHRONICLE, 9 March 1853.
42. GLOBE, 17 March 1853.
43. MORNING CHRONICLE, 9 March 1853.
44. GLOBE, 17 March 1853.
45. IBID.
46. MORNING CHRONICLE, 9 March 1853.
47. GLOBE, 17 March 1853.
48. MORNING CHRONICLE, 9 March 1853.
49. IBID.
50. GLOBE, 17 March 1853.
51. IBID.
52. IBID.
53. MORNING CHRONICLE, 9 March 1853.
54. GLOBE, 17 March 1853.
55. MORNING CHRONICLE, 9 March 1853.
56. GLOBE, 17 March 1853.
57. IBID.
58. MORNING CHRONICLE, 9 March 1853.
59. GLOBE, 17 March 1853.
60. MORNING CHRONICLE, 9 March 1853.
61. GLOBE, 17 March 1853.
62. MORNING CHRONICLE, 9 March 1853.
63. GLOBE, 17 March 1853, which commented that the remarks "were very lengthy."
NORTH AMERICAN WEEKLY, 17 March 1853, commented that "the fossil member
for South York [Mr. Gamble, spoke] amid the guffaws and contemptuous
sneers of the intelligent members on both sides, relieved by an occasional
'hear, hear,' from McKenzie, who lost no opportunity of encouraging his
newly found colleague whenever he did say anything that would bear even
so brief a notice."
64. GLOBE, 17 March 1853.
65. MORNING CHRONICLE, 9 March 1853.
66. GLOBE, 17 March 1853.
67. MORNING CHRONICLE, 9 March 1853.
68. GLOBE, 17 March 1853.
69. MORNING CHRONICLE, 9 March 1853.
70. GLOBE, 17 March 1853.
71. MORNING CHRONICLE, 9 March 1853.
72. GLOBE, 17 March 1853.
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75. MORNING CHRONICLE, 9 March 1853.
76. GLOBE, 17 March 1853.
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78. GLOBE, 17 March 1853.
79. MORNING CHRONICLE, 9 March 1853.
80. GLOBE, 17 March 1853.
81. MORNING CHRONICLE, 9 March 1853.
82. GLOBE, 17 March 1853.
83. MORNING CHRONICLE, 9 March 1853.
84. GLOBE, 17 March 1853.
85. MORNING CHRONICLE, 9 March 1853.
86. GLOBE, 17 March 1853.
87. MORNING CHRONICLE, 9 March 1853.
88. GLOBE, 17 March 1853.

89. MORNING CHRONICLE, 9 March 1853.
90. GLOBE, 17 March 1853.
91. MORNING CHRONICLE, 9 March 1853.
92. GLOBE, 17 March 1853.
93. MORNING CHRONICLE, 9 March 1853.
94. GLOBE, 17 March 1853.
95. IBID.
96. IBID.
97. MORNING CHRONICLE, 9 March 1853. The speech is attributed to Mr. Stuart by GLOBE, 17 March 1853.
98. GLOBE, 17 March 1853.
99. MORNING CHRONICLE, 9 March 1853.
100. GLOBE, 17 March 1853.
101. MORNING CHRONICLE, 9 March 1853.
102. GLOBE, 17 March 1853.
103. MORNING CHRONICLE, 9 March 1853.
104. GLOBE, 17 March 1853.
105. MORNING CHRONICLE, 9 March 1853.
106. GLOBE, 17 March 1853.
107. MORNING CHRONICLE, 9 March 1853.
108. GLOBE, 17 March 1853.
109. MORNING CHORNICLE, 9 March 1853.
110. GLOBE, 17 March 1853.
111. MORNING CHRONICLE, 9 March 1853.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. MORNING CHRONICLE, 9 March 1853, which did not report Mr. MacKenzie's speech because his views "have already been reported," and because "the Reporter could not follow the details of his argument," but which noted that "he sat down at half past eleven o'clock."
122. MORNING CHRONICLE, 9 March 1853.
123. IBID.
124. IBID.
125. MORNING CHRONICLE, 9 March 1853, reported that the House adjourned "at 1 o'clock a.m."
126. GLOBE, 17 March 1853.
127. IBID.
128. IBID.
129. The following papers reported this Notice of Motion in identical accounts: GLOBE, 17 March 1853, HAMILTON SPECTATOR DAILY, 22 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 23 March 1853, and HAMILTON SPECTATOR WEEKLY, 24 March 1853. Identical commentaries appeared in: HAMILTON SPECTATOR DAILY, 22 March 1853, and HAMILTON SPECTATOR SEMI-WEEKLY, 23 March 1853.
130. GLOBE, 17 March 1853.
131. IBID.
132. IBID.
133. IBID.
134. IBID.
135. The following papers reported the exchange on this matter in identical accounts: MORNING CHRONICLE, 9 March 1853, PILOT, 12 March 1853, and

BRITISH COLONIST, 15 March 1853. The following papers noted the exchange in identical accounts: GLOBE, 8 March 1853, HAMILTON SPECTATOR DAILY, 8 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 9 March 1853, and NORTH AMERICAN WEEKLY, 10 March 1853. The exchange was also noted by GLOBE, 17 March 1853.

136. MORNING CHRONICLE, 9 March 1853.

137. IBID.

138. IBID.

139. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 9 March 1853, PILOT, 12 March 1853, MONTREAL GAZETTE, 14 March 1853, and BRITISH COLONIST, 15 March 1853. The debate was also reported by GLOBE, 17 March 1853.

140. MORNING CHRONICLE, 9 March 1853.

141. GLOBE, 17 March 1853.

142. MORNING CHRONICLE, 9 March 1853.

143. GLOBE, 17 March 1853.

144. MORNING CHRONICLE, 9 March 1853.

145. GLOBE, 17 March 1853.

146. MORNING CHRONICLE, 9 March 1853.

147. GLOBE, 17 March 1853.

148. MORNING CHRONICLE, 9 March 1853.

149. GLOBE, 17 March 1853.

150. IBID.

151. MORNING CHRONICLE, 9 March 1853.

152. GLOBE, 17 March 1853.

153. MORNING CHRONICLE, 9 March 1853.

154. GLOBE, 17 March 1853.

TUESDAY, 8 MARCH 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Chabot,--The Petition of Joseph Gosselin and others, of the Parish of St. Laurent de l'Isle d'Orléans, County of Montmorency.

By Mr. Burnham,--The Petition of the Municipal Council of the United Counties of Northumberland and Durham; and the Petition of the President and Directors of the Cobourg and Peterborough Railway Company.

By Mr. Morrison,--The Petition of Dunbar Ross, of the City of Quebec, Esquire, Advocate, a Petitioner against the Election and Return of J.G. Clapham, Esquire, as Member for the County of Megantic.

By Mr. Dixon,--The Petition of William Carling and others, of the Town of London.

By Mr. McLachlin,--The Petition of the Mayor and Town Council of the Town of Eytown.

By Mr. Prince,--The Petition of the Municipality of the Township of Sandwich; and the Petition of Josiah Strong and others, of the Township of Sandwich, County of Essex.

By Mr. Poulin,--The Petition of the Municipal Council of the Village of Christieville, in the Parish of St. Athanase.

By Mr. Gouin,--The Petition of J.F. Sincennes and others, Proprietors of Steamers, Vessels, and Crafts, domiciled at Sorel and at Berthier, and adjoining places.

By Mr. Clapham,--The Petition of John R. Lambly, of Leeds, Esquire, and others, of the Counties of Quebec and Megantic.

By the Honorable Mr. Hincks,--The Petition of the Montreal Board of Trade; and the Petition of the Municipality of the Township of Humberstone.

By the Honorable Mr. Morin,--The Petition of the Municipality of the Township of Thorold.

By the Honorable Mr. Cameron,--The Petition of Henry McKenny and others, of the Town of Amherstburg.

By Sir Allan N. MacNab,--The Petition of John Willson, Esquire, and others.

Ordered, That the Petition of John Willson, Esquire, and others, be now received and read; and the Rules of this House suspended as regards the same.

And the said Petition was received and read; praying that the Act incorporating the Hamilton and Port Dover Railway Company may be revived and amended.

Mr. Lemieux, from the Standing Committee on Standing Orders, presented to

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the House the Twenty-fifth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of the Great Western Railroad Company, for amendments to their Act of incorporation,--of William Henry Beresford, for a Divorce,--of George Sherwood and others, for incorporation of the Brockville Gas Light Company,--of John Smith and others, for incorporation of the Paris Hydraulic Company,--and of George S. Wilkes and James Kerby, for incorporation of a Hydraulic Company at Brantford; and they find that the Notices have been duly given.

With respect to the Petition of John C. Ball and others, for incorporation of a Mutual and Proprietary Insurance Company at Niagara, Your Committee find that a Notice has been published for the requisite length of time, but that it refers to the incorporation of a Mutual Company only, no mention being made of a Proprietary Branch; Your Committee, therefore, report the fact, leaving it to Your Honorable House to determine whether this discrepancy is of sufficient importance to nullify the Notice.

On the Petition of Charles McFall and others, for a re-survey of the side line of the third Concession of Hillier, it appears that no Notices have been given.

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Eleventh Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to consolidate their Debt, and for other purposes, and have agreed to report the same, without any amendment, to the favorable consideration of Your Honorable House.

Ordered, That Mr. Morrison have leave to bring in a Bill to incorporate the Erie and Ontario Insurance Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to increase the Capital Stock of the Great Western Railroad Company, and to alter the name of the said Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to incorporate the Ontario and Huron Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

Ordered, That the Bill to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to consolidate their Debt, and for other purposes, be read the third time To-morrow.

The Order of the day for taking into consideration the Reasons of absence of such Members as were not present at the call of the House on the first instant, being read;

Ordered, That the said Order of the day be postponed until Tuesday next.

The Order of the day for the House again in Committee to take into consideration certain Resolutions on the Commercial Policy of this Country, being read;

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Ordered, That the said Order of the day be postponed until Thursday the seventeenth day of March instant, and be then the first Order of the day.

The Order of the day for the third reading of the Bill to provide for the care of habitual Drunkards, and the custody and disposal of their effects, being read;

Ordered, That the Bill be read the third time on Monday next.

On the motion of SIR A. MACNAB,¹

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The Bill to incorporate La Société des Dames Charitables de la Paroisse de St. Etienne de la Malbaie, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the Society of Charitable Ladies of the Parish of St. Etienne de la Malbaie."

Ordered, That the Honorable Mr. LaTerrière do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to divide the Common of Maskinongé among the Co-proprietors thereof, being read;

Ordered, That the Bill be read the third time on Monday next.

The Bill to vest in the Little Lake Cemetery Company certain allowances for Road in the Park Lots of the Town of Peterborough, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Langton do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. MCDUGALL,²

(561)

The Bill to repeal the Act 14 & 15 Vic. cap. 28, and to transfer the place for holding the meetings of the Municipal Council of the Municipality Number two, of the County of Drummond, from the Village of Stanfold to the Village of St. Christophe d'Arthabaska, in the same Municipality, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to transfer the place of meeting of the Municipal Council of the Municipality of Drummond Number two, to the Village of St. Christophe d'Arthabaska, in the said Municipality."

Ordered, That Mr. McDougall do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. SICOTTE,³

(561)

The Bill to amend the Act incorporating the Seminary of St. Hyacinthe d'Yamaska, in so far as regards the persons composing the said Corporation, and to declare what persons shall compose and constitute the same, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Act incorporating the Seminary of St. Hyacinthe d'Yamaska, in so far as regards the persons composing the said Corporation, and to declare what persons shall hereafter compose and constitute the same."

Ordered, That Mr. Sicotte do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of DR. POULIN,⁴

(561)

The Bill to explain and amend the "Act to allow Notaries to call Meetings of relations and friends in certain cases, without being thereto specially authorized by a Judge," and for other purposes, was, according to Order, read the third time.

Resolved, That the Bill do pas[s].

Ordered, That Mr. Poulin do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. PROV. SEC. MORIN,⁵

(562)

The Bill to appropriate certain unexpended balances of the School Fund for Lower Canada, and certain other sums out of the Jesuits' Estates Fund, for Educational purposes in Lower Canada, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Morin do carry the Bill to the Legislative

Council, and desire their concurrence.

On motion of MR. RIDOUT,⁶

(562)

The Bill to amend the Charter of the City of Toronto Gas Light and Water Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Ridout do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. INSP. GEN. HINCKS,⁷

(562)

The Bill to amend the Act of the present Session for the relief of the Sufferers by the late Fire at Montreal, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Hincks do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. YOUNG,⁸

(562)

The Bill to provide for the construction of a general Railway Bridge over the River St. Lawrence, at or in the vicinity of the City of Montreal, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Cartier do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to modify the Usury Laws, being read;

Mr. Brown moved, seconded by the Honorable Mr. Young, and the Question being proposed, That the Bill be now read the third time;⁹

Loud cries of no, no, from the French members.¹⁰

DR. LATERRIERE rose and protested against its passage in strong language¹¹ on the ground that it was dangerous to morality and that no portion of the community had desired it.¹²

MR. LEMIEUX spoke at some length against the bill¹³.

(562)

Mr. Lemieux moved in amendment to the Question, seconded by Mr. Fortier, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House for the purpose of leaving out the words 'at any rate of interest whatsoever' in the third line of the second Clause, and inserting the words 'at a rate of interest not exceeding eight per cent;' and by adding the words 'but in all cases in which the rate of interest shall exceed eight per cent, the penalties imposed by the Laws now in force in this Province shall be and remain in full force and vigor' at the end of the said second Clause," instead thereof;

DR. FORTIER (in French) said if we pass this bill, we should go farther in relaxing the law against usury, than any other country.¹⁴ [He] also expressed himself strongly opposed to the bill, and cited a number of the States of the Union in which the rate of interest was fixed at 6 or 7 per cent.¹⁵ He ... did not think Canada ought to go farther than they.¹⁶ When all these

States carried on all their business with these rates of interest he did not see the necessity for introducing a bill like this as he considered it had a very demoralizing tendency, by allowing people to charge a higher rate of interest than 6 per cent. and only allowing them to recover that amount. He was very sorry to see some of his countrymen supporting this measure, and he thought that they did not take sufficiently into consideration either the demoralizing tendency of the bill or the injury that it would do to the agricultural interests.¹⁷ He implored the French Canadians not to support the bill; and begged that Upper Canadians would not force it upon a country of which they did not understand the condition or wants, and against the wish of its representatives.¹⁸

MR. SICOTTE (in French) said the amendment conceded the principle of the bill. He read from Montesquieu to the effect, that excessive penalties against usury were always evaded.¹⁹

MR. SOL. GEN. CHAUVEAU (in French) said the amendment did not concede the principle of the bill because it had no principle. He made some farther remarks against the bill.²⁰

MR. TESSIER (in French) did not think Montesquieu great as he was could be considered an authority, or otherwise his dictum made so many years ago would have been adopted. But he objected to this measure because it introduced an immoral principle into the laws of Lower Canada inviting men to promise to pay more than six per cent. and then to break their promises. This he would never consent to. There was a period when not only usury was unknown in L.C.; but when men lent money on the simple security of their neighbours' word. That time even existed to some extent to this day. Was this law then to come in and overturn all the institutions of Lower Canada; and to be carried by a majority from the other section of the Province? If so, that was not as he understood what ought to be the union of the two sections.²¹

MR. AT. GEN. DRUMMOND (in French) was surprised to hear the complaints of the immorality of the proposed law. Why by the present law a borrower was not merely allowed to refuse to pay the excess of interest which might be charged--he might refuse to pay the principal though his refusal should lead to the ruin of the lender. There was not, at any rate the same inducement to bad faith in the proposed law as in the present one. The hon. member went on to say that the proposed law, by enabling the lender to be questioned on faits et articles in Lower Canada, which could not be now done on account of the penalties would tend to render the provision against usury, such as it was, much more efficient, it being well known that at present the law could scarcely ever be enforced.²²

MR. ROBINSON agreeded [*sic*] with the remarks of the hon. member for Portneuf, and he did not think that Canada should go farther than England. He contended the bill would introduce much immorality into the country if carried, and he asserted, that it was not wanted even in England.²³

MR. LAURIN (in French) concurred in the remarks of the hon. member for Portneuf; and spoke strongly against the bill; but he did not bring out anything new. He opposed the amendment; and [would move] another, that the bill be read a third time this day six months.²⁴

MR. CHAPAIS (in French) protested against the bill and spoke [to] nearly the same effect as before.²⁵

MR. STEVENSON contended that money could not be considered a commodity

as any other article. It was a measure of value, and as such possessed qualities that no other article did. For this reason the argument that money was a commodity did not hold. They were told the Usury Laws were a relic of the dark ages, but gentlemen who said that, did not tell them, that before these laws were enacted great abuses were perpetrated by those who possessed money.²⁶ History showed that the effect of abolishing or not establishing Usury Laws had the effect of raising the rates of interest and gave rise to extortion; as money became more plentiful these laws were modified, but the check was always required. A singular inconsistency prevailed in this bill, that of restricting the principal money lenders, the banking institutions. The example of the neighbouring States was, in his opinion, far more effective than all the arguments that we draw from the imagination.²⁷ All countries found usury laws necessary. The case of England was an exception, but he did not think that rich, old, England was exactly the best model for us to follow. There was no analogy between the circumstances of England and Canada. Besides, he was not sure that the relaxation in England, was productive of unmitigated good. He read from evidence taken before a committee of the House of Lords, statements to the effect, that the evil was as great as the good. He doubted the benefits, which some gentlemen seemed to fancy would result from the abolition of the usury laws. He believed the principal effect would be to encourage grasping persons, to levy usurious rates of interest. He did not believe the farmers of the country, (and he spoke positively of his own county,) could not [sic] afford to pay a higher rate than 6 per cent. for money, and giving permission to levy more than 6 per cent. would be injurious. Perhaps commercial transactions might be an exception.²⁸ In the county which he represented, the largest money-lender would take nothing more than six per cent., thinking that quite enough. He did not think that purchasing notes of hand at a price less than its nominal value was usury, for it was not contrary to the law, and nothing contrary to the law could be illegal [sic]. He would ask any gentleman if, to his own knowledge, nine-tenths of the money loaned in his neighbourhood were not lent at 6 per cent. Would not this bill have an effect on the price of land, where persons purchasing land, and paying only a small instalment, had to pay interest on the balance.²⁹

MR. MERRITT had never heard such a debate on such a harmless bill. Did it do away with the Usury Laws? No. Does it alter the rate of interest? No. Much was said about the immorality of this bill, but which was the worst, the present law or the proposed one. At present the law enabled a man to go and borrow money at 10 per cent., and then refuse to pay it and recover from the lender treble the amount he had borrowed. The only object of this bill was to do away with the present unjust penalty. He did not think that it would have any effect on either borrower or lender, or that it would alter the rate of interest. And as to injuring the farmers, it would affect them less than any other class of the community.³⁰ He believed, that they would be benefited by the bill. Its merits had been mistated [sic]. He did not believe the bill would produce either the benefits or the harm, which had been predicted.³¹

MR. MACKENZIE indicated the conduct of Mr. Brown and others, who considered it such a sin to labour on Sunday, and yet introduced a bill like this to countenance fraud, in allowing men to make a bargain, and afterwards claim that it was void by law. He was astonished at the conduct of the member for Kent, which he styled hypocrisy as well as that of the member for North York, a pious deacon of the Methodist church!³²

The debate was continued for some time longer³³.

MR. BROWN said, that after the able speeches in defence of the Bill, which had been made by hon. gentlemen, he did not think it necessary to impose on the time of the House at any great length in the reply to which he was

entitled, as the introducer of the measure. But before the debate closed, he desired to notice a few of the prominent points attempted to be made by the opponents of the bill, which had escaped the attention of other speakers. The hon. member for South York, contends that money is the creature of the State--he admits that gold and silver in bars are ordinary articles of merchandise, but he asserts that the moment these metals are coined, they change their character, and acquire any value which the State may affix to them. The answer to this proposition may be found in any newspaper of the day--by which it will be seen that in spite of the stamp which Government puts on the specie, the value in the market fluctuates according to supply and demand, precisely in the manner of other commodities. (Here Mr. Brown read from a New York paper a list of the current prices of every description of coin, ranging from par to $8\frac{1}{2}$ per cent. premium, according to the quality of the metal and the demand in the market.) The hon. member for Prince Edward says, that money when coined is "the standard of value." You buy so many yards or such a weight for a shilling, or a dollar, or a pound, and therefore coin is different from other things. But that is for mere convenience--hides, shells, peltries, have been, and are in some countries at this very moment, the "standard of value." And surely the hon. gentleman does not pretend that coin has a fixed standard of value? Oh, he says, the law has made coin a legal tender at a certain rate;--true, but does that compel people to sell their coin at that rate? Undoubtedly not; as the tables I have now read clearly show. What signifies it to the man who has £100 to pay, that the Government has stamped one hundred pieces of gold with the value of £1 each, if he cannot obtain these pieces except at the market price, whatever it may be? And if coin were stamped above its metal price, who would give as many goods for it as they would for uncoined gold really of the value which the coin nominally represented? The hon. members for South York and Welland draw a fearful picture of the evils they prophesy will result from the passage of this bill; and they maintain it will raise the rate of interest all over the country. Do these gentlemen really mean to aver that the interest of money is regulated by the legal rate? Is not such an idea entirely destroyed by the fact that the actual rate in no country is the same as the legal rate? In England the legal rate is 5 per cent., but the real rate at this moment is 2, $2\frac{1}{2}$, and 3 per cent., and only a few years ago, we saw it even in England, at 8 and 10, and 12 per cent. In New York the legal rate is 7, but the actual rate is now 5 to 6--and we have seen it at 8, 10--aye, up to any price for temporary accomodation. In Canada, the nominal rate is 6--but will any one say that this is the actual value of money? There are many men of wealth in this House--will they not all admit that they can make far better investments than 6 per cent? I was talking with one of the most wealthy a few minutes ago, and spoke of him as a lender, but he stopped me and said he was a borrower, not a lender--and he wanted a large sum now. Well, I said, you will borrow at six if you can--will you not make twelve out of your investment? He said, I won't lend--I am building houses and stores. And what return do you expect from them? What was his reply?--"I can rent them at once," said he, "to yield 20 per cent. on my investment." (Hear, hear.) And so it is in every branch of industry. Labour is abundant in Canada--capital scarce--profits large; the opportunities of employing capital profitably are abundant, and the interest, therefore, is high. Look at the Banks--do they only make 6 per cent. because the law fixes that rate? Not at all--the Bank of Montreal made, last year, £80,000 of nett profit on a capital of £750,000, and the other institutions did almost as well. Look at the profits of commerce, of shipping, of every industrial occupation--look at the rapid rise in the value of real estate, and no one can wonder that money cannot be borrowed in this country for the legal rate of interest. The hon. member for Prince Edward says money can be

had in his county for six per cent. Well, Mr. Speaker, it may be that in an old settled agricultural county like Prince Edward, where the farmers are well off, and the country well filled up--that the limited demand for money of one neighbour may be supplied at six per cent. from the hoard of the other. But what I do contend for is this, that if you have real estate worth 10,000£. you cannot go into Toronto, or Kingston, or Montreal, and borrow 5,000£. upon it, as a general rule, at six per cent.--that money will bring more in other enterprises, equally safe, and capitalists will not lend at such a rate. The crowds flocking to our building societies, and paying 10, 12 and 15 per cent., show the true state of the case beyond all misapprehension. Now, what I contend is, that the Usury Law does not prevent people from giving and receiving more than six per cent.--that its only effect is evil. It makes the borrower pay a large percentage to compensate the lender for the risk he runs of forfeiture; and it prevents foreign capitalists from sending their money to Canada, by concealing the true rate of interest under an imaginary legal rate. To those who think that the legal rate of interest regulates the true rate, I put this question--what would be the effect were we to pass a law to-night that hereafter the rate of interest would be 4 per cent.? Do they imagine that such a law would compel men to lend at that rate? Would they not send their money at once to the States and get 7 or 8 there? If some ingenious mode of evasion were not discovered, would not our banking capital be at once turned into other channels, and hundreds of enterprises throughout the country stopped at once. The deepest injury would be the result. And in the same manner, will not any law be injurious which fixes a legal rate below the true value of money in the market? The hon. member for South York spoke in deep distress of the extortion to which borrowers would be exposed, should this bill be passed. But are they not now exposed to a greater extortion. The hon. Inspector General showed most forcibly that we hear much of cases of extortion, but we forget altogether the injury, the ruin, the misery which the liberty to pay a little more than legal interest might have averted. The member for South York says a man who has £1000 to pay, under any law will be in the hands of the usurer, and have to pay enormously; but, is he not much worse off now? He has this thousand pounds to pay--he cannot borrow at six--the law will not allow him to borrow at 8--does the matter stop there? Not at all; he has still his debt hanging over him, and it must be paid. He cannot get the cash, the sheriff gets the case to deal with, the poor man's property is sold off at a tremendous sacrifice.³⁴

MR. GAMBLE.--But his creditor gets the advantage of it.³⁵

MR. BROWN.--Not at all--his creditors bear the loss of it. If he had been allowed to borrow the money, say at ten per cent.--he would have had time to sell off his property to the best advantage, and have saved hundreds for his creditors which were lost by the sheriff's sale. The hon. gentleman spoke in strong terms of disgust of the man who takes usury, and classed him with the seducer and other offenders against morality.³⁶

MR. GAMBLE said he merely contended that the law should protect the subject from the passion of cupidity, as it did from lust and other passions.³⁷

MR. BROWN.--Well, if the argument is good for anything, it is good against taking any rate of interest whatever. What is usury?³⁸

MR. GAMBLE a higher rate of interest than the law allows.³⁹

MR. BROWN.--That is the legal meaning of the word--but this is away from the moral argument. Wherein does the immorality of usury consist, which the hon. gentleman says, classes it with seduction and other crimes? Interest is the consideration given for the use of property--so is usury. Where does the line of demarcation between right and wrong come in? I apprehend the man who asks only the fair value of his money in the market, and takes no advantage

of the misfortune of his neighbour--cannot be charged with moral crime. The hon. member for Welland says it is no argument against the Usury Laws that they are evaded--other laws are evaded, he says, but still they are maintained--smuggling continues daily, but we don't abolish the laws forbidding it. The hon. gentleman must see that there is no parallel between the cases he suggests. We contend that the usury laws do no good, but very much harm; under the customs, £700,000 a year is collected. The one law is a necessity--the other a folly. And even were the cases parallel thus far--the evasions of the Usury Laws are so unblushing, and so numerous, that in fact the laws are only operative for evil. The Inspector General showed that though thousands of cases of usury occur daily in Canada, none ever came into our courts; but he ought have gone further, and told the reason why--because no man dare bring a suit into court on so demoralizing a plea. Our judges always lean against the suitor, who asks to escape from his own bargain by the trick of this law--juries turn a deaf ear to him--and public opinion would hold him as a dishonoured and a characterless man. But says the hon. member for Welland--if you pass this law, the rich man will have the power to oppress the poor! Has not the rich man that power now? Does the hon. gentleman mean to extend the six per cent. law and compel the wealthy to lend all they have at that rate? If he does not, the oppression will be the same in the one case as in the other--the rich man will take what he can get then as now. The only difference will be that the penalty of usury being reduced, the rate of interest will be lowered. The hon. gentleman says, put this law in force as to commerce, but not as to agricultural transactions. That would be most unjust to the farmer. Why should he be debarred from making any bargain he chooses?--is he not as competent to judge of what is for his own benefit as other members of the community? The law is not to compel men to borrow money. In fact, it is the farmer who will most benefit by this law. The merchant borrows for a few weeks or months, money is easier obtained, and the extra interest falls rightly on him--the farmer borrows for years, and his mortgage is sold, often at most ruinous prices. The hon. member for Nicolet read us a list of the rates of interest in certain States of the Union; but the hon. gentleman forgot to tell us what relaxations existed with those rates. For instance, after the bill before us passes, the legal rate of interest in Canada will still be six per cent.; and so in all or nearly all the States, there are relaxations of the law in one shape or other. And the hon. member forgot to read us the rates in the new States--the great Western States of the Union; he read us only the rates in the old wealthy States--but I will repair the defect. (Here Mr. Brown read a list of the rates in Ohio, Michigan, Iowa, &c., showing that interest ranged in the West at 7, 8, 10, and 12 per cent. by law.) The hon. member for Simcoe opposed the bill before the House, and yet he thinks we should take example by England in this matter. The hon. gentleman must be under a misapprehension; the law of England is far in advance of the bill before the House. The only particular in which we propose to go beyond the English law, is in regard to real estate--and the hon. gentleman knows well that the only reason a bog land is excepted in England is the determination to maintain the aristocratical influence in the state. But the feeling of statesmen in England is now entirely against the Usury Laws. (Here Mr. Brown read extracts from the report of the Committee of the House of Commons, showing the injurious effect of restrictions on money. He read from the evidence of leading brokers and merchants, showing in strong light the practical evils caused by the Usury Laws; and also from McCulloch's Political Economy, showing the repeated declarations of the English Legislature to a like effect.) Mr. Brown continued. One other point and I have done. The hon. member for Haldimand says, it is immoral to allow persons to make bargains for 10 or 12 per cent. and only compel them to pay 6, as this

bill proposes. The law does not release the man from fulfilling his contract--it does not release him from his moral responsibility--it only says this much. We will make the sheriff recover for you. But if the argument is good for anything, how much stronger is it against the law as it now stands, which the hon. gentleman defends, than against my bill! Under the proposed law, the contractor is kept to his obligation for principal and interest to the extent of six per cent. Under the law as it now stands--a man who makes a solemn bargain for £1000 and agrees to pay 7 per cent., may not only repudiate the one per cent. of excess over the legal interest, but he may repudiate the whole debt, principal and interest--nay, he can drag his creditor to the bar of justice, and make him pay a penalty of £3000 for entering into such a transaction--a large portion of which he pockets as informer! I do hope, Mr. Speaker that the law will pass. I do not think it will entail the evils either commercial or moral predicted from it--on the contrary, I am persuaded it will have a most beneficial effect on the material interests of the country.⁴⁰

(562)

Mr. Laurin moved in amendment to the said proposed Amendment, seconded by Mr. LeBlanc, That all the words after "be" to the end thereof be left out, in order to add the words "read the third time this day six months;"

And the Question being put on the Amendment to the said proposed Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Dubord, Dumoulin, Fournier, Gamble, Gouin, Lacoste, LaTerrière, Laurin, LeBlanc, Lemieux, Mackenzie, Marchildon, Mongenais, Morin, Polette, Robinson, Rose, Seymour, Smith of FRONTENAC, Stevenson, Street, Stuart, Taché, Tessier, Turcotte, Valois, and Viger.--(32.)

(563)

NAYS.

Messieurs Brown, Burnham, Cameron, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Attorney General Drummond, Egan, Fergusson, Hartman, Hincks, Jobin, Johnson, Langton, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Mattice, McDougall, McLachlin, Merritt, Morrison, Murney, Paige, Patrick, Poulin, Prince, Attorney General Richards, Ridout, Rolph, Shaw, Sicotte, Smith of DURHAM, Varin, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(42.)

So it passed in the Negative.

And the Question being put on the Amendment to the Original Question:-- It passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

Mr. Valois moved in amendment to the Question, seconded by Mr. Chapais, That all the words after "That" to the end of the Question be left out, in order to add the words "the further consideration of the Bill be postponed until the next Session of Parliament, in order to afford the People of this Province an opportunity of expressing an opinion on the measure" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down as in the last preceding division.

So it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

MR. BROWN stated that his attention had been directed to a clerical error

made in the amendment to the bill in Committee, and ere moving the ... third reading he desired to send the bill back to the Committee of the Whole to rectify it.⁴¹

(563)

Mr. Brown moved in amendment to the Question, seconded by the Honorable Mr. Young, That all the words after "be" to the end of the Question be left out, in order to add the words "recommitted to a Committee of the whole House for the purpose of amending the same" instead thereof;

One of these errors would have repealed the privilege granted to the Upper Canada Trust and Loan Company, and MR. MACKENZIE therefore opposed the recommittal of the bill; observing that he believed the knowing ones would thus be caught, and that he believed there were men of sufficient independence in the House to keep that clause in.⁴²

MR. H. SMITH (Frontenac) said that the error occurred in a clause which he had had inserted, and though he had always been opposed to the privileges given to the Trust and Loan Company, and would have voted against them, he was not now disposed to interfere with vested rights & still less would he, if he desired to repeal them, do so in this manner.⁴³

MR. INSP. GEN. HINCKS loudly exclaimed against this undue manner of repealing a charter, which the hon. member for Haldimand had manifested. If this were done what confidence could capitalists place in the legislature of this country. What would be thought of us in England, in the United States, aye, among our own people? They would speak of Canadians as a nation of swindlers; and properly so. For his own part, if such a measure were adopted after men had been induced to invest their money on the faith of a charter, all that he could say was, he would consider the Canadian Legislature so disgraced, that he solemnly declared he would never again enter the walls of a House of Assembly.⁴⁴

MR. GAMBLE declared that the charter of the Trust and Loan Company had been passed in a way that was disgraceful to the Legislature of the country--dishonorable to members.⁴⁵

MR. J.A. MACDONALD (Kingston.) What do you mean Sir?⁴⁶

MR. GAMBLE meant nothing personal to the honorable member, and dared say that his motives were the good of the country; but what he did say was that the charter was passed through the House in a manner which was not in accordance with the usual straight forward conduct of the hon. member. Had not Mr. Baldwin said that he knew nothing about the bill until it was passed, or that he would have opposed it?⁴⁷

MR. AT. GEN. RICHARDS said no. What Mr. Baldwin said was, that he was not present in the House when it was past.⁴⁸

MR. GAMBLE went on to say that the bill was passed through the House in a hasty manner, at midnight, and without the usual interval between the different stages. It was a bill to defraud the country and however alarmed he had felt the other day at the representation bill, he was disposed, if the money power were thus to be gradually increased, to vote for universal suffrage and vote by ballot, and annual Parliament, in order to raise up some countervailing power to oppose it.⁴⁹

SIR A. MACNAB declared that the hon. member was utterly misinformed, as to the bill, ... [owing] probably to his constituents having dispensed with his services during the period in which it was passed. The bill was not passed at midnight; but in the afternoon; it was not passed with less deliberation than usual, nor in any way that was not common to every bill that passed the House. It was

discussed in the newspapers and elsewhere, and no member ought to make allegations of the character which the House had just heard without being fully prepared to substantiate [sic] it.⁵⁰

MR. MACKENZIE then made a long and violent attack upon the Trust and Loan Company maintaining the propriety of repealing the Trust and Loan Company's Charter.⁵¹

MR. J.A. MACDONALD, of Kingston, gave the following history of the passing of the Loan and Trust Company's charter. The session began on May 15th. On the 18th July the petition for the bill was presented. On the 19th the bill was read a first time. It was not read a second time till the 25th, six days after, and many other bills of great importance were passed subsequently on the same day. It was then referred to the select committee on private bills, and was not reported till the 27th, when it came back with the blank filled up with 8 per cent, then it was committed on the 3rd August, and after it had gone through committee three other bills also passed through each one stage. Finally it was not read a third time till three days after, and twenty-nine bills were each advanced one stage after it had passed. It was, therefore, impossible that it could have been passed at an unreasonable time, and so far from it being true that it was so, the truth was that it had passed at about six or seven o'clock on a fine summer afternoon.⁵²

MR. MACKENZIE then read an extract from the Journals to support his own statement of the haste with which the bill had been passed, these extracts showed that leave had been given by the House for the taking up of the bill in the committee of private bills without the usual notice being hung up in the lobby.⁵³

The motion in amendment for committal was then carried⁵⁴.

(563)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brown, Burnham, Cameron, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Attorney General Drummond, Dubord, Dunoulin, Egan, Fergusson, Gouin, Hincks, Jobin, Johnson, Langton, LaTerrière, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Mattice, McLachlin, Merritt, Morrison, Murney, Paige, Polette, Poulin, Prince, Attorney General Richards, Ridout, Robinson, Rose, Seymour, Shaw, Sicotte, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Street, Turcotte, Varin, Viger, Willson, Wright of West Riding of YORK, and Young.--(50.)

NAYS.

Messieurs Cauchon, Chabot, Chapais, Fournier, Gamble, Hartman, Lacoste, Laurin, LeBlanc, Mackenzie, Marchildon, Mongenais, Morin, Rolph, Stuart, Tessier, Valois, White, and Wright of East Riding of YORK.--(19.)

So it was resolved in the Affirmative.

(564)

Then the main Question, so amended, being put;

Ordered, That the Bill be recommitted to a Committee of the whole House for the purpose of amending the same.

Resolved, That the House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee;

MR. BROWN moved the necessary amendments.⁵⁵

MR. INSP. GEN. HINCKS then said that as some imputations [*sic*] had been thrown on him with reference to this Loan and Trust Company, he desired to make a personal explanation. He had been opposed to the usury laws always, and he supported every measure for their modification. When the government of 1848 was formed, despatches were received from the Home government calling attention to the fact that this company had been chartered, but would not go into operation, because no stock would be taken up in England while no greater interest than 6 per cent could be taken. The government, however, was divided on the subject, and could take no action as a government. When he was subsequently in London, he was waited on by the agent of the company there, trying to get the stock taken up, and he told that gentleman that he had very little hope of obtaining the repeal of the usury law. But he had no fear of taking the responsibility of having first suggested the possibility of getting a special bill through the House; and the reason he suggested this was that Mr. Baldwin had resisted the repeal of the usury laws only because they feared that creditors would make extortionate demand on their debtors. As this was a new company, bringing fresh capital into the country to lend to persons not indebted, there was not the same objection to the bill. He (Mr. Hincks) therefore suggested the attempt; but of course he knew nothing about the result it might meet with. Now it was said this Company was a monopoly? It was so, not because he or the opponents of the usury laws desired to make it a monopoly; but because those in favour of these laws would not allow the laws to be repealed in favour of other money lenders. Besides the Company had no monopoly. All the Railway Companies had the right to borrow at 8 per cent. The government had to do the same even for the Lower Canadian Court House. The same thing was true of the Montreal and Toronto Harbours. It was nonsense then to say the Company had any monopoly. It was also a fact that the 8 per cent. which they received was not an exorbitant rate. When they got their charter Provincial bonds were at par. Was it likely then that when a man could walk into Messrs. Barings Counting House and invest his money at 6 per cent. he would loan it in Canada in a way that obliged him to keep agents, Counting Houses &c., in England and the colony, unless he got something in excess of 6 per cent. to pay those extra expenses? Besides the Banks here all got more than 6 per cent. If they did not who would invest their money in them, and so lose all the cost of their management? It was evident they must get as much more than 6 per cent. as would pay their expenses after paying their dividend. After again warmly deprecating any attack upon the charter of the Trust and Loan Company, the hon. member concluded by saying that he should be most happy at any time to grant to all the privileges at present enjoyed by that Company.⁵⁶

MR. GAMBLE said whatever the hon. member intended, the fact was that there a monopoly had been created in favour of this Company. He did not wish to injure those who had invested their money; but he wished to put a stop to it.⁵⁷

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Laurin reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Laurin reported the Bill accordingly; and the amendments were read, as follow:--

Line 30. After "interest" insert "or such lower rate of interest as may have been agreed upon."

Line 32. After "paid" leave out the remainder of the Bill, and insert

Clause (A.)

Clause (A.) "And be it enacted, That nothing in this Act shall be construed to apply to any Bank or Banking Institution, or to any Insurance Company, or to any Corporation or Association of persons heretofore authorized by law to lend or borrow money at a rate of interest higher than six per centum per annum."

The first amendment, being read a second time, was agreed to.

The second amendment being read a second time; and the Question being put, That this House doth concur with the Committee in the said amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brown, Burnham, Cameron, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Gouin, Hincks, Jobin, Johnson, Langton, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Mattice, McDougall, McLachlin, Merritt, Murney, Paige, Patrick, Polette, Poulin, Prince, Attorney General Richards, Ridout, Robinson, Seymour, Shaw, Sicotte, Smith of DURHAM, Stevenson, Street, Turcotte, Varin, Viger, Willson, Wright of West Riding of YORK, and Young.--(48.)

NAYS.

Messieurs Cauchon, Chapais, Fournier, Gamble, Hartman, Lacoste, LaTerrière, Laurin, LeBlanc, Lemieux, Mackenzie, Marchildon, Mongenais, Morin, Rolph, Stuart, Taché, Tessier, Valois, White, and Wright of East Riding of YORK.--(21.)

So it was resolved in the Affirmative.

Mr. Brown moved, seconded by the Honorable Mr. Young, and the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Burnham, Cameron, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Attorney General Drummond, Egan, Fergusson, Hartman, Hincks, Jobin, Johnson, Langton, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Mattice, McDougall, McLachlin, Merritt, Morrison,

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Murney, Paige, Patrick, Poulin, Prince, Attorney General Richards, Ridout, Rolph, Shaw, Sicotte, Smith of DURHAM, Varin, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(42.)

NAYS.

Messieurs Badgley, Cauchon, Chabot, Chapais, Dubord, Dumoulin, Fournier, Gamble, Gouin, Lacoste, LaTerrière, Laurin, LeBlanc, Lemieux, Mackenzie, Marchildon, Mongenais, Morin, Polette, Robinson, Rose, Seymour, Stevenson, Smith of FRONTENAC, Street, Stuart, Taché, Tessier, Turcotte, Valois, and Viger.--(31.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Mr. Brown moved, seconded by the Honorable Mr. Young, and the Question being put, That the Bill do pass; the House divided: and the names being called for, they were taken down as in the last preceding division.

So it was resolved in the Affirmative.

Ordered, That Mr. Brown do carry the Bill to the Legislative Council, and desire their concurrence.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to prevent fishing with Seines and other Nets for Trout and other Fish in the Lakes within the County of Saguenay," with several Amendments, to which they desire the concurrence of this House.

And then he withdrew.

The Order of the day for the second reading of the Bill to provide a uniform mode of incorporating Societies for Charitable and Educational purposes, being read;⁵⁸

MR. AT. GEN. DRUMMOND⁵⁹ rose to move the second reading of the bill for the incorporation of charitable societies. The Government had thought proper, he said, to introduce a bill to enable all parties to obtain the incorporation of charitable or religious societies, without it being necessary for them to come before the legislature for a special act whenever they desired to do so. They wished to give all those who had a laudable desire for the public good, and for the benefit of their fellow-men, and who desired, with the philanthropic intention of alleviating their wants and necessities, to establish charitable institutions--the means of more effectually carrying out their views.⁶⁰ He was understood to say that the object of his bill was to give to charitable societies, precisely the same power which was given mercantile corporations.⁶¹ He should not have thought that there could be any opposition to such a measure as his, had he not seen⁶² it intimated in some of the public prints⁶³ that an intention of opposing it prevailed among some hon. members. He should have thought that every member in the House would be desirous of promoting such a measure as this, had he not known that opposition was intended, but he hoped that that intention had been laid aside, and that the bill would be allowed to proceed. The manner in which it was proposed to allow the incorporation of them was very simple; and he was very desirous of simplifying all the legislations of the country as much as possible. Their legislation had so far followed too much that of England but as they had hitherto followed a bad example in her, they should now follow the good example that she was setting. In England, a judge was once asked if there was a statute in existence of a certain nature, he replied, show me the statute, and I will give you my opinion on it, but do not ask me if there is such a statute in existence. He (Mr. Drummond) did not desire to have such a state of things in this country, and he thought by introducing general acts such as this, for the incorporation of all sorts of societies, whether for religious purposes or any other, the number of laws on the statute book would be reduced at least one-half.⁶⁴ For the establishment of a society by this bill it would merely be necessary for its protection to lay before the registrar a document showing the objects, aims, and all the particulars of the society they intended to have incorporated. This document was to be made out in duplicate and one copy to be left with the registrar, and the other with the Provincial Secretary. It would then be the duty of the latter, after seeing that the provisions of the law were complied with to publish in the Gazette, a notice of the establishment of the society which at that moment became incorporated with the same privileges as those holding special charters. He had heard it stated that these societies were not tolerated in the United States, but he did not know that there was any country in the world in which such institutions did not exist, and in the State of New York there were ten acts incorporating religious societies for one in Canada. A general act had also been introduced in that state, and the one now before the House was very similar to it.⁶⁵ It was passed in 1848. Before the passing of that act, the same want for a general act in New York was felt as now in Canada. Although not favorable to the principle of cen-

tralized power,⁶⁶ he thought it important that the Government should have some means of laying its hands on these incorporations at any moment, for it was enacted that each society should give at stated periods returns of the state of its affairs to the Government. That was the only way in which a check could be kept over them.⁶⁷ He much admired these institutions, but he felt constrained to admit, that there should be some restriction.⁶⁸ It was necessary to have some restriction as to the amount of property that each should hold, and this he proposed to be at £2500 yearly value which was the same limit as that fixed in the State of New York.⁶⁹ No want [had] ever been felt for such restriction in Canada, but it had in some old countries.⁷⁰ He thought the only difficulty that could exist to the passing of this bill would be to the amount of their limitation, for a dread prevailed in the minds of a few individuals about the endowment of these institutions. A dread of Papacy, in fact for there was no use in disguising the word. But if these persons were to look at the past history of these incorporations they need not have any fear for the future. It was thought by some persons that the incorporation of these institutions was in some way authorizing the connection between Church and State, but he did not think it could be said that in the United States there was a connection between Church and State. In some of the States of the Union, the people were allowed to tax themselves for the purpose of carrying out religious objects.⁷¹ Even the State of New Hampshire which had earned for itself an unenviable notoriety for refusing Roman Catholics admission into its legislature, had an act in its statute book for the organization of religious corporations. His bill nearly resembled the law of the State of Vermont.⁷² The effect of the bill would be to place all these societies on the same footing no matter by what act they were established, and would prevent those angry discussions which always took place when any of these bills were introduced. The hon. gentleman then moved the second reading of the bill.⁷³

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The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Chabot, and the Question being proposed, That the Bill be now read a second time;

And a Debate arising thereupon;

MR. BROWN rose and said: Mr. Speaker, I am fully aware of all the difficulty I encounter in rising to oppose the bill of the hon. the Attorney General. The subject matter is to many honourable gentlemen a very dry topic; politicians shrink from it with horror, as perilous to combinations; and by a large section it is regarded as a religious question, in which their faith is attacked, and to be defended at all hazards. Now, sir, I wish to state at the outset of this debate, that so far as I am concerned, I desire to treat the subject on its political and social merits, and without regard to difference of faith. I should be the last to deny to any man the full exercise of those civil and religious rights to which every citizen is equally entitled--to say to him that he shall not serve his God in any manner that his conscience dictates--or to put down any religious system by force of law. But I do contend, sir, that when parties come to this House and ask us to give them peculiar corporate powers--to give them facilities for extending a certain class of institutions over our country--we, legislators, ought not to be deterred by the fear of offending personal feelings from looking fearlessly into the social and political tendencies of those institutions. I think we are bound to inquire closely into the character of all moral agents established by law to influence the public mind, and to give our verdict upon them not according to the strong feelings, or mayhap the prejudices, of sections of our people--but upon the broad question. How will such institutions affect the interests of the whole community? The bill which has now been presented for our adoption by the Gov-

ernment is one of vast importance. Several most interesting questions of political economy are involved in its discussion, and the decision we shall render upon it cannot fail to affect deeply the highest interests of society. I trust then it will receive the earnest consideration of the House, and not be pushed through with the apathy the Attorney General East seems to expect.⁷⁴ I venture to say, sir, that in the whole history of free institutions such a bill as this was never before proposed by a constitutional government to a free Legislature, and should it pass, instead of placing a check on the growth of sectarian institutions--it will create as many in one year as there are now in existence.⁷⁵ He believed the bill if passed would be injurious to the best interests of the country. Since the Union, sixty charters had been granted, and they were viewed in Upper Canada with alarm.⁷⁶ The bill proposes to regulate three classes of institutions: namely--churches, with parsonages and burying grounds, religious and benevolent societies; and educational establishments. It must be quite clear that all these objects cannot conveniently be regulated under one bill. You cannot lay down the same rule for the management of church property that you would for an hospital or a nunnery, and you cannot safely give the same latitude to either of these that you might to a public educational institution. But in fact, the bill is not confined to these objects--the wording is so wide and vague that anybody may be incorporated under it for almost any purpose. It provides that "any five or more persons desiring to be incorporated for any one or more" of the purposes named in the Act, by making a "declaration in writing, setting forth in a clear and intelligible manner the object or objects for which and the name under which they desire to be incorporated and stating the names of the Trustees, &c." and filing the same with the Registrar of the County shall be thereupon, and as a matter of right, erected into a perpetual corporation!⁷⁷ This bill was much worse than the bills brought before the legislature one by one, for then they were discussed, and the public mind directed to their pernicious influence.⁷⁸ It is true that a copy of the declaration is to be sent to the Provincial Secretary, but that officer has not the slightest power given him. He has no discretion whatever in the matter. Nay, he is even to become the agent of the corporation--for immediately on receiving the declaration, he is to prepare an advertisement announcing the erection of the corporation and have it forthwith inserted in the Gazette--at the expense of the Province as far as appears in the bill. Now what are the purposes included in the bill? First, we have "the construction or purchase, support and maintenance of any Church or House of public worship, or of any Vestry, Parsonage, Manse, Glebe, or other appurtenance of any place of public worship" and for "the purchase and maintenance of suitable grounds and other conveniences for burying the dead." Second, the Bill extends to "the construction or purchase, support and management of any Hospital, Asylum, or Place of Refuge for blind, deaf and dumb, infirm, sick or destitute persons, or for juvenile or other delinquents, or of any House of Industry, or of any other charitable or benevolent institution." And, third, it extends to "the establishment or purchase, support and management of any seminary, college, academy, school, public library, or other literary or scientific institution." Observe, Mr. Speaker, that there is no security under the bill that the persons incorporated really intend pursuing one of these objects--they have merely to declare that they so intend, and forthwith they are incorporated. Observe, further, that no security is provided that the persons chartered shall have the means of carrying out their design--that there is no check whatever on the moral character of the institutions to be established--that the most vicious purposes might be recognized under it--and that the societies to be erected may be formed for speculation and profit equally well with purposes of benevolence. One of the strangest features of the bill is

that it is to include houses for "Juvenile or other delinquents!" Only fancy, Sir, any five persons being empowered to open a prison to suit themselves--with power to make by-laws for its regulation! Yes--and "any house of industry." What does that mean?--would it not include a shoe shop, or a factory, or any other place of business? And only imagine the effect of allowing any petty school throughout the country to be chartered--the schoolmaster and his four children erected into a corporation with limited responsibility, and power to sue and be sued for any debts he might contract in his corporate capacity.⁷⁹ If ... [the bill] became a law the whole country would swarm with corporations.⁸⁰ The opportunities to fraud which this bill would present can hardly be estimated--and how such a measure can be gravely laid before us by the law officers of the Crown I cannot comprehend. And the climax of it all is, that the Government propose giving to any and all of these corporations the power to hold real estate to the extent of \$10,000 per annum--or the interest on a capital of some two hundred thousand dollars!--without any mode of confining them to this or any other sum provided--no provision for statements of affairs or annual returns--no security for faithful administration--and no restriction whatever as to the mode of acquiring property.⁸¹ Besides how could they find out when a corporation exceeded the restriction? It could not be done. The existing corporations were restricted, but some of them it was known, possessed property beyond the amount limited by their charters.⁸²

A voice said how do you know that?⁸³

MR. BROWN thought he could shew it. He contended there was no power to bring them to justice.⁸⁴ Everything is left loose and wide, without check or possibility of correction--⁸⁵

MR. AT. GEN. DRUMMOND said that corporations might be restrained by the Court of Chancery in Upper Canada, and by the Court of Queen's Bench in Lower Canada.⁸⁶ The proceedings in Lower Canada, under the corporations act were very summary.⁸⁷

MR. BROWN: Doubtless, if the corporation exceeded its powers and any one had hardihood enough to risk a suit in Chancery; but the corporations under this bill would fix their own powers, would make their own by-laws--and who could tell what these were, or would brave the trouble and expense, and odium, of enforcing them by law? The whole scheme is loose and unstatesmanlike in the extreme.⁸⁸ The bill of the Attorney General did not prevent persons at the point of death leaving property to these Corporations. There was nothing in it to prevent a person influenced by religious fears at the point of death leaving his property to one of these Corporations. In New York different restrictions prevailed. He did not altogether object to Lower Canada having these institutions, but with proper restrictions such as were found necessary in England, France and other Countries. In England property could not be left to these institutions by will; it must be by deed and that under stringent restrictions. He did not approve of the monastic system. He thought it a curse to the country instead of a blessing.⁸⁹ I do not think that any one who believes that the voluntary principle is the only true way of supporting the preaching of the Gospel could desire to see the facility given for the establishment of a dozen chartered corporations in connection with every congregation throughout the Province which this bill proposes. It is strange that the same argument used more than a century ago on the discussion of the very question before us, should be as applicable now as then. In the reports of the debates in the House of Lords when the act 9, George II, was under discussion, a peer is stated to have used the following language:--"As I am myself an unworthy member of the Church of England as by law established, I must love and reverence that establishment, and, for this very reason, I shall always be against vesting

any great possessions in the Church. I have as great a desire as any man to see our clergy all comfortably and honourably provided for; but that provision ought not to be made to arise from possession of their own, but from the annual contributions of the people. A sincere member of the present established church and from a thorough and true regard to her doctrines, I shall always be for limiting and restraining her possessions." This is the true doctrine for Canada--and in all our legislation I think it should be our object to aid in carrying it out. Machinery for holding and managing land for a church, a burying-ground and such a glebe as the incumbent may require for his personal purposes--should be the whole extent of church legislation. The property should be vested in the members of the congregation and not in the clergy. It is too much the spirit of the day to regard the clergy as the church--and having the control over the temporalities gives them far too much power to assume that position. A denomination in the aggregate should not be allowed to hold the property of the several congregations. It throws an enormous amount of power into the hands of one or more leading individuals--and in the case of great moral movements, it acts as a sad restraint on the expression of a bold testimony to truth. It keeps the laity in subjection to the Bishop, or the Conference, or the Board, or the assembly--as the case may be. In England, in the States, in Scotland, this evil has been strongly felt--and nowhere more than in Canada. At the secession of the Free Church, the mass of the people came off, leaving their property all behind which they had themselves contributed to collect. In the States, the property of the Church of Rome is vested in the Roman hierarchy, and violent disputes have arisen in some places in consequence, and in more than one instance the doors of their own churches have been closed against the people who built them. Any one who has watched the moral effect upon large portions of the community arising from the manner in which church property is vested and managed--will perfectly understand the danger of the Attorney General's loose proposal to grant corporate powers for any and every purpose in the secrecy of the Registrar's office. Why, sir, can any one have forgotten the outcry raised against the Temporalities Bill of the Presbyterian Church, a few years ago--or the Temporalities Bill of the Church of England in 1851--or the Wesleyan Mission Incorporation bill of the same year, and if public attention was directed to these public bills hardly in time to enable the members of the several churches to be heard in the Legislature--what must be the danger and impropriety of allowing any five members of a church to get a charter for any purpose by a private application to a county official? If this bill passes, it will lay a foundation for future jealousy and strife in the various denominations which nothing could surpass. The Hon. gentleman has spoken of the State of New York as an example for our imitation. I do not accept the doctrine--with a Roman Catholic population one-half our whole strength, we are very differently situated--but the legislators of New York have been guilty of no such bill as this. They have a general bill for churches, another for schools and colleges, and a third for benevolent and missionary societies. Their Church bill is most carefully and elaborately drawn, and provides fully for the protection of the rights of the laity--which is not even thought of in the measure before us.⁹⁰ As to the accumulation of land held in Mortmain by these corporations, the evil is so evident that it is hardly necessary to dwell upon it. Corporations never die--their property goes on increasing from year to year--they gather round them a rack-rented tenantry,--and public improvement is greatly retarded by their existence. The Institution needs all its income to meet the wants of the year--the corporations of to-day care not for the corporations of to-morrow, and they will not pinch themselves now for the benefit of their successors. The tenant, in like manner, will not lay out his money on the property of others; the land is exhausted--improvements are not made--mills, factories, and other necessary undertakings, are indefinitely

postponed. And the political results are no less hurtful; the tenant is under subjection to the religious corporations--his independence is crushed and the elections are controlled. In Great Britain the public mind has been ever keenly alive on this subject, and since the Act 9, George II, the most stringent laws of mortmain had been enforced. In 1844 and 1851, Committees of the House of Commons inquired into the question, and a vast amount of information has been obtained upon it. One of the witnesses in 1844, R. Mathews, Esq., a barrister of high standing, testified as follows:--

"The effect of vesting land in Mortmain is that the owner never dies, and the land becomes inalienable; consequently if continual accretions are to be made to the quantity of land in Mortmain, it may in time amount to any assignable quantity, or might swallow up the whole land of the kingdom; that is, unless restrictions were imposed upon such alienation, in Mortmain. I apprehend the possession of land at all times will give a proportionate influence to those who own and have the disposition of it; and consequently that if very large quantities of land were to come into the hands of particular classes of persons in Mortmain, it might give to these classes a very great and undue preponderance, both politically and in many other relations of life. For these reasons, without going into very minute matters just now, I decidedly approve of the general policy of the laws of Mortmain. Experience, not only of our country, but I think of most other civilized nations of considerable standing has shown some restrictions of the kind to be necessary."

A. Bach, Esq., a German legal adviser on foreign law, resident in London, though evidently unwilling to speak out, some important evidence has been extracted from him:

"Q.--I asked your own opinion whether at any period of the history of this country you thought more property was in the hands of ecclesiastical bodies than you thought it desirable for the good of the state there should be? A.--That is a question I do not feel competent to answer, so much depends upon particular periods.

"Q.--But have not the large acquisitions of land by the church of which you speak on various parts of the continent passed from the church to temporal hands? A.--Certainly; since the Reformation; in fact that was one of the elements of the Reformation in Germany.

"Q.--Was it not considered by the Austrian Government at one period that much too large a proportion of land was held by ecclesiastical bodies? A.--No doubt, under the Emperor Joseph, and that was one of the great reforms made under Joseph; the Government took possession of a great deal of property.

"Q.--Are religious bodies increasing in number in Roman Catholic countries? A.--I think so.

"Q.--Excepting the Jesuits, is there no jealousy of them? A.--I think the feeling abroad is not for an increase of ecclesiastical establishments."

F.H. Riddell, Esq., of Cheesborne Grange, Co., of Northumberland, a Roman Catholic, testifies that in the North of England, "the Roman Catholic gentry 'almost to a man' would think it 'desirable to render it more difficult to give property to the Church in Mortmain.'" The Right Hon. T.P. Leigh testifies that if real estate be devisable to corporations--"it is desirable that the land should be sold." C.C. Barber, Esq., the eminent Conveyancer, gives the same advice that corporations be "compelled to sell the land" within five years. The Rev. F.S. Mahoney, a "scholastic" of the Jesuit Society, a student of the Roman University, a long resident in Italy, gives overwhelming evidence on the point. He says he gives the subject "a good deal of attention, because on the first visit I made there, it struck me that there must be something very unusual and vicious in the arrangement of landed property and in fact of every species of property to account for the backwardness of the whole social system (in Roman States) and the community in general there." * * * "I found the cultivation was

very precarious, and in fact only triennial in most cases, two years being generally allowed for the ground to repose, as they called it, or to cook it-self, as the Italian idiom has it, and that the cultivation was carried on in consequence of this tenure, not by leases, which they were debarred from either making or profiting by, through the tenure." * * * "Generally speaking the fact of the land being held by a Convent establishment is prejudicial to the cultivation of it. The principle [sic] obstacle to the great proportion of the Compagna [sic] being reduced to a useful cultivation was its tenure." In Whitesides' [sic] Italy, we find the same testimony as late as 1851. After picturing the beggary and crime in the Roman States, Mr. Whiteside goes on thus:--"Without boasting of prophetic powers, my conviction is that the whole system of locking up tracts of land in Corporations, or convents, or in individuals, who grant 9 years' leases only, will be broken up, the law changed, priests will be relieved of the irksome labours of farming or managing vast estates, and through a great social revolution, the condition of the people will be permanently improved and raised. I have seen it announced that it has been lately proposed in Rome to sell a large portion of the Church lands as heretofore in Mortmain, in order to relieve the pecuniary necessities of the State." And again. "A revolution must take place in the mode of holding property in the Roman States before any improvement can succeed. Leopold's reforms must be introduced, convents demolished, their lands sold, entails cut off, &c."⁹¹ He complained that the Government had not procured and laid before the House, a return of the amount of property at present locked up in these corporations in Canada, before they brought forward the present bill.⁹² As regards educational institutions, I am free to admit that the same jealousy need not be shown towards them as towards other societies.⁹³ There was little danger of them running to excess; you might almost give them any powers they desired.⁹⁴ But it is quite as clear that a wide difference ought to be drawn in such a general law as this, between schools for the benefit of the whole public, and to be conducted on principles acceptable to all--and those which are sectarian in their teaching and tendencies. The Reformers of Canada have heretofore been the bold advocates of national education--secular education from the primary school to the University. Are we not now about to deny all we have contended for, and in handing over the teaching of our youth to the warping influence of priestcraft? One day we will have a Bill to break up the national University and distribute the funds among sectarian colleges--to-day we have a Bill to stud the country with chartered sectarian schools from the highest to the lowest without check or precaution--and presently we are to have another bill giving the public money for the teaching of Roman Catholicism in the common schools of Upper Canada! Where is all this to end? Who can have forgotten the manner in which the Baldwin Government was denounced for chartering Trinity College--though they reduced the property limit to one-half and refused to allow training schools to be attached to the institution? But now--how changed the scene! The men who then denounced are now in power and what not even a Tory Government ever dared to do or would seek to do for the cause of priestcraft--they do not hesitate to propose.⁹⁵ Education was not the business of the clergy. The clergy were bad school teachers. Their teaching in schools always tended to contract the mind.⁹⁶ Look at Lower Canada and compare it with our Western Province. Here, the Church has reigned supreme for two hundred years; ample domains have been hers--tithes have been hers--implicit obedience has been paid to her every behest--and what has she done for the education of the people? Upper Canada is but 30 years old--the Church has not controlled the schoolmaster--and mark the contrast already in the state of education. The reports of the two school Superintendents place the whole case before us--the one telling of ignorance among scholars, teachers and commissioners alike, of hostility among the people to the spread of education, and of arbitrary Government Inspectors found necessary to enforce the law; the other telling each

year of increased attendance, deeper public interest and fresh advances among teachers and taught. I do think we have no cause to long for sectarian education--and while every facility should be given for the establishment of public seminaries, I cannot think it would be wise or expedient to throw open the door to the nurseries of bigotry and narrow prejudice, which this bill would foster over the country. Let Upper Canada representatives recollect that if this bill had been expressly framed to prepare the way for covering the counties of the west with nunneries and seminaries of Jesuits and Christian brothers, it could not have been more expertly devised to that end.⁹⁷ Look at the difference between ... Scotland and England. Look at any country where education was in the hands of a priesthood, and there it did not flourish. Rome and Spain were striking examples of that fact.⁹⁸

DR. FORTIER bring children up as atheists.⁹⁹

MR. BROWN.--No, but putting education in the hands of the clergy produced that effect.¹⁰⁰ I doubt if there is such a being--but if you want to see a system which trains people to infidelity, go to Rome!¹⁰¹

Uproar among the French Canadians¹⁰². Ironical French cheers.¹⁰³

MR. BROWN [continued:] There you will see it in all its perfection--a nation bowing down to a fellow creature as the Vice-gerent of the Maker of the Universe, vowing to him implicit obedience one day, and kicking him out of the country the next--aye, at this moment compelled to endure him by the argument of French bayonets! Go to Tuscany, and there you will learn the sort of teaching which the Church imparts--that to study the word of God is a crime for which man may be condemned to prison--perhaps to death. As regards benevolent and charitable institutions, I cannot but think that the same line of argument applies. While every encouragement may be given to hospitals and other foundations for the general benefit of all, under the control of the public generally, and patent to the scrutiny of the whole world--I do think it would be an unwise policy to aid in building up institutions which, in the garb of charity and benevolence, became engines of proselytism and elements of sectarian strife. Is it possible that we cannot forget our creed even in extending relief to the poor and the sick? Is no one relation in life to be left in which society can find a common ground to meet?¹⁰⁴ Gentlemen wanted to upset the feudal tenure now, but they would want to upset what they were doing by this bill before long.¹⁰⁵ But there is another point at issue in the matter of benevolent institutions. This bill would foster the extension among us of a class of asylums most hurtful, in my opinion, to the best interests of society. I allude, of course, to monasteries and nunneries, and asylums, which substitute the care of a cold, heartless charity for the warm sympathy which relationship or friendship should provide. I allude to those numerous institutions which Rome employs as aids to her cause--and no one, I think, can study the history and working of such houses coming to the conviction that they exercise a most enervating influence on the people among whom they exist; that they encourage them to lean on public aid at every difficulty,--that they rob the masses of self-reliance--that, nominally intended to relieve destitution, they in fact produce it.¹⁰⁶

Ironical cheers from the French Canadians.¹⁰⁷

MR. BROWN [continued:] I know that it is fashionable to speak here in different language of Roman Catholic institutions--but, for my part, I mean to speak my mind frankly on every question, and I cannot on this subject close my eyes to the teachings of history--to the testimony of all ages. Why is it that there is such a difference between Protestant and Roman Catholic countries? Compare Spain with England,--Catholic Italy with Protestant Germany--Spanish

America with Puritan New England. Nay--whence comes the difference between Upper and Lower Canada? The one two centuries old--the other but of yesterday, yet already far in advance of her sister province in population, wealth, education, and all that constitutes the happiness and prosperity of a people. Look at the difference of cultivation--the enterprise in the one, the apathy in the other? Contrast the exports and the imports of the Upper with the Lower section--the rapid rise on the value of property--the superior intelligence of the people in all matters of public interest. Sir, I cannot be persuaded that the lamentable enervations all around us is [sic] not greatly the work of the moral machinery wielded by the churches.¹⁰⁸

MR. SOL. GEN. CHAUVEAU: I will tell you the reason. It is the same that has kept back Ireland--tyranny.¹⁰⁹

MR. BROWN: But under the old French regime, was it tyranny then?¹¹⁰

A VOICE.--Yes.¹¹¹

MR. BROWN: Well, then, there must be something radically wrong in the frame work of society when tyranny was submitted to so long! But surely there has been no tyranny since the Union--fifteen years might have shown a new state of affairs.¹¹² One fact alone speaks volumes--that [of] 1,212 petitions presented to this House during the present session, 744 were from Upper and 468 from Lower Canada; of the former there were 20 asking aid--of the 468 from Lower Canada, not fewer than 131 were petitions for aid. The people have been nurtured into looking to the Church or to the State for everything that they want, and the same results are produced in every other country by the same means. Let me read a few extracts to establish my position--and first from Macaulay's history of England:--

"From the time when the barbarians overran the Western Empire to the time of the revival of letters, the influence of the Church of Rome had been generally favourable to science, to civilization, and to good government. But during the last three centuries, to stunt the growth of the human mind has been her chief object. Throughout Christendom, whatever advance has been made in knowledge, in freedom, in wealth, and in the arts of life, has been in spite of her, and has everywhere been in inverse proportion to her power. The loveliest and most fertile provinces of Europe have, under her rule, been sunk in poverty, in political servitude, and in intellectual torpor: while Protestant countries, once proverbial for sterility and barbarism, have been turned by skill and industry into gardens, and can boast of a long list of heroes and statesmen, philosophers and poets. Whoever, knowing what Italy and Scotland naturally are, and what four hundred years ago they actually were, shall now compare the country round Rome with the country round Edinburgh, will be able to form some judgment as to the tendency of Papal domination. The descent of Spain, once the first among monarchies, to the lowest depths of degradation [sic], the elevation of Holland, in spite of many natural disadvantages, to a position as no commonwealth so small has ever reached, teach the same lesson. Whoever passed in Germany from a Roman Catholic to a Protestant principality, in Switzerland from a Roman Catholic to a Protestant canton, in Ireland from a Roman Catholic to a Protestant county--finds that he has passed from a lower to a higher grade of civilization. On the other side of the Atlantic the same law prevails. The Protestants of the United States have left behind the Roman Catholics of Mexico, Peru and Brazil. The Roman Catholics of Lower Canada remain inert, while the whole continent round them is in a ferment with Protestant activity and enterprise."¹¹³ Could those allegations be denied? Were not all protest countries more advanced than Roman Catholic ones?¹¹⁴ I read next from Hallam's Constitutional History:

"A very ungrounded prejudice had long obtained currency, and notwithstanding

the contradiction it had experienced in our more accurate age, seems still not eradicated, that the alms of monasteries maintained the indigent throughout the kingdom, and that the system of parochial relief, now so much the topic of complaint, was rendered necessary by the dissolution of those beneficent foundations. There can be no doubt that many of the impotent poor derived support from their charity. But the blind eleemosynary spirit inculcated by the Romish church, is notoriously the cause not the cure of beggary and wretchedness. The monastic foundations scattered in different counties but by no means at regular distances, and often in sequestered places, could never answer the local and limited succour, meted out in just proportion to the demands of poverty."

And to come down to our own times--look at the evidence of New Granada--heretofore a Popish country of the purest water--in regard to these same institutions. I hold in my hand the famous allocution of Pius IX, dated 27th September 1852, in which his rebel subjects of New Granada are flagellated for their misdeeds. Among other things, the Pope complains bitterly of a law passed for the abolition of tithes--another "against religious orders," and especially for the "expulsion of the religious order of the society of Jesus," and "promising aid to those who abandon the purpose of religious life they have commenced." He also complains that the property of the Papal college has been confiscated and appropriated to the support of "the National College, the supreme inspection of which is assigned to the lay power." If such a country as New Granada is forced to drive out Popish institutions from her midst--are we in Canada to frame laws for their encouragement and extension? While Roman Catholic countries are groaning under their effects, and struggling for their overthrow, are we to flood the country with them, and expose our people to the demoralizing influence they exert?¹¹⁵ And look, sir, at the state of Spain, under all the happy influence of nunneries and monkeries and inquisitions. A recent writer says of Spain under Narvaez:--

"No matter that the government is carried on by shifts, by forced loans and forestalled taxes and ruinous contracts; that the public servants of all grades, irregularly paid, and with bad examples before them, speculate and take bribes; that the widow and the orphan, the maimed soldier and the superannuated [*sic*] pensioner, continually with long arrears due to them, are in rags, misery, and starvation; that to the foreign creditor is given, almost as a favour, no part of the interest due upon the capital he has disbursed, but the interest on a small portion of the accumulation of unpaid dividends; that the streets and highways swarm with mendicants, and are perilous from the multitude of robbers; that the insecurity of life and property in country-places drives the rich proprietors into the towns, and prevents their expending their capital in the improvement of their property; and that the peasantry, deprived of instruction, example, and encouragement, deprived too by the badness and scarcity of the communications, of an advantageous market for their produce, sink as a natural consequences [*sic*], daily deeper into sloth, ignorance, and vice. What matter all these things? The miseries of the suffering many are lightly passed over by the prosperous few: in Spain the multitude have no votes, no remedy but open and armed resistance."

I might go through every country in the world where the same institutions exist, and show you the same results--I might pile up testimony upon testimony to the moral, political, and commercial ruin which they entail--but it is not needful. But to show that the evil is in the system and not in the people, I wish to read one other extract--I wish to show that even as modified in Protestant Countries, the Monastic system is fraught with evil results. In the city of Edinburgh, there are perhaps more charitable and educational institutions than in any city in the world in proportion to its population. No houses could

be better managed than they are there--and if the system could be worked well, it would be there. Now, sir, I hold in my hand the evidence given in 1851 by the Lord Provost of Edinburgh before the committee of the House of Commons, in which he testifies that these institutions have been an injury rather than a benefit. After describing the numerous hospitals in operation, he says:--

"I may state that about 8 or 9 years ago, I turned my attention to the impropriety of hospitals of the kind I have been describing for young people. At that time there existed a very large building, which was filled with charity children, under the charge of the Edinburgh poor-house; it contained about 400 boys and girls. The house was required for railway purposes, to enlarge the North British Railway Station, and it became a question with the Governors whether the children should be boarded out, or a new house erected; and having had the special charge, I was induced to look very closely into the ... whole system of boarding and maintaining children within the hospitals--in other words, the Monastic system; and I was so satisfied of the injury to the health while in hospitals, and injury to the children after they left the hospitals, that I induced the then Governors to make an attempt to board them chiefly in the country. There were many objections to this." After describing the difficulties and their removal, his lordship goes on:--"I directed circulars to be sent to about 10 or 12 adjoining parishes, all within the county of Edinburgh, requiring information from the ministers of each denomination, and the Surgeon of each parish or village, as to the kind of parties who could be entrusted with the board and maintenance of such children; and in the course of a very few weeks the applications were so numerous, that I got the whole 400 boarded out, and had between 300 and 400 applications which I could not attend to. After a year or two's experience the children were brought to town to be compared with others who had been confined in other work-houses, and the improvement in their appearance, in their behaviour, and in every way, was so superior, that I believe the public of Edinburgh are fully satisfied just now that we have taken the right course, and that if it were possible, it would be a right thing to have no such Institutions at all. We find that in place, as heretofore, of having the greatest difficulty in getting rid of any of the children, as people would not take them to apprentice or service from their slovenly habits and their sickly appearance, but now from being boarded in the country, they are as it were melted away in society, and become wheelwrights, carpenters, blacksmiths, agriculturists, &c. The girls are taken into service, and there is no stain upon them on being charity children."

And after explaining the attempts being made to carry out the same principle in other institutions--especially in Heriot's Hospital--the Lord Provost goes on to give the following evidence.

"We have very few instances indeed of any of them (the children raised in George Heriot's and other Hospitals) rising above mediocrity; on the contrary, I would say that taking all the hospitals together, they produce a far smaller proportion of useful citizens than those who are trained in the lower ranks of life, and amidst the gratest [*sic*] privations to which the poorest are liable."¹¹⁶

MR. SOL. GEN. CHAUVEAU and MR. CAUCHON read ... some extracts in rebutal of those read by Mr. Brown.¹¹⁷

Debate adjourned¹¹⁸.

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*On motion of Mr. Gamble, seconded by Mr. Hartman,
Ordered, That the Debate be adjourned until To-morrow, and be then the first Order of the day.*

*Ordered, That the remaining Orders of the day be postponed until To-morrow.
Then, on motion of Mr. Gamble, seconded by Mr. Solicitor General Chauveau,
The House adjourned.*

FOOTNOTES: 8 MARCH 1853.

1. GLOBE, 17 March 1853.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 11 March 1853, PILOT, 15 March 1853, BRITISH COLONIST, 18 March 1853, and NORTH AMERICAN WEEKLY, 24 March 1853. The report in BRITISH WHIG, 23 March 1853, was also identical to MORNING CHRONICLE, 11 March 1853, but included only the discussion about the Upper Canada Trust and Loan Company. The debate was also reported by GLOBE, 17 March 1853.
10. GLOBE, 17 March 1853.
11. MORNING CHRONICLE, 11 March 1853.
12. GLOBE, 17 March 1853.
13. IBID.
14. MORNING CHRONICLE, 11 March 1853.
15. GLOBE, 17 March 1853.
16. MORNING CHRONICLE, 11 March 1853.
17. GLOBE, 17 March 1853.
18. MORNING CHRONICLE, 11 March 1853.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. GLOBE, 17 March 1853.
28. MORNING CHRONICLE, 11 March 1853.
29. GLOBE, 17 March 1853.
30. IBID.
31. MORNING CHRONICLE, 11 March 1853.
32. GLOBE, 17 March 1853.
33. MORNING CHRONICLE, 11 March 1853.
34. GLOBE, 17 March 1853.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. MORNING CHRONICLE, 11 March 1853.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.

49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 11 March 1853, MONTREAL GAZETTE, 14 March 1853, PILOT, 15 March 1853, HAMILTON SPECTATOR DAILY, 17 March 1853, BRITISH COLONIST, 18 March 1853, HAMILTON SPECTATOR WEEKLY, 24 March 1853, and NORTH AMERICAN WEEKLY, 24 March 1853. The debate was also reported by: GLOBE, 22 March 1853; and JOURNAL DE QUEBEC, 15 March 1853. The reconstruction of Mr. Brown's speech in this day's debate on the Bill required unusual editorial techniques. The account of the speech in the GLOBE, Mr. Brown's paper, was, naturally, the longest, but the GLOBE, 24 March 1853, admitted, "... we have embraced [Mr. Brown's remarks of the 9th] in the report [GLOBE, 22 March 1853] of his speech of yesterday [the 8th] to make the argument complete." Comparison of the GLOBE account with the MORNING CHRONICLE reports of Mr. Brown's remarks of the 8th and 9th of March (both reports appeared in MORNING CHRONICLE, 11 March 1853) and with the JOURNALS indicated that the "embracing" of Mr. Brown's remarks of the 9th in those of the 8th involved a great deal of rearrangement, likely at the hands of George Brown. Mr. Brown's motion for a three months' hoist, for instance, appeared in the second column of the GLOBE's seven column report of the speech, while according to the MORNING CHRONICLE, 11 March 1853, Mr. Brown "concluded by moving ... that the bill be read a second time this day three months" on the 9th of March, in the JOURNALS of which day the motion appears. The speech was not, however, entirely rewritten, and likely little was added that was not said in the House. Discrete fragments of Mr. Brown's speech of the 9th seem to have been incorporated in his speech of the 8th, which was only slightly rearranged. The editor has therefore, using the MORNING CHRONICLE reports as a guide, redistributed Mr. Brown's remarks in reconstructing the two days' debates. Abrupt changes of subject in the GLOBE account of the speech have been of some help in this process, as has the GLOBE's attempt to smooth transitions between remarks of one day and those of the other by inserting such addresses to the Speaker as "Now, Sir," "But, Sir," and "Nay, Sir," but the redistribution is necessarily largely arbitrary.
59. MORNING CHRONICLE, 11 March 1853, reported that "in the beginning of his remarks ... [Mr. Drummond] was not distinctly audible, in consequence of a number of ladies without the bar, near the Reporter's Gallery making a little more noise, than the Attorney General."
60. GLOBE, 22 March 1853.
61. MORNING CHRONICLE, 11 March 1853.
62. GLOBE, 22 March 1853.
63. MORNING CHRONICLE, 11 March 1853.
64. GLOBE, 22 March 1853. MORNING CHRONICLE, 11 March 1853, has "one third."
65. GLOBE, 22 March 1853.
66. MORNING CHRONICLE, 11 March 1853.
67. GLOBE, 22 March 1853.
68. MORNING CHRONICLE, 11 March 1853.
69. GLOBE, 22 March 1853.

70. MORNING CHRONICLE, 11 March 1853.
71. GLOBE, 22 March 1853.
72. MORNING CHRONICLE, 11 March 1853.
73. GLOBE, 22 March 1853.
74. IBID.
75. IBID.
76. MORNING CHRONICLE, 11 March 1853.
77. GLOBE, 22 March 1853.
78. MORNING CHRONICLE, 11 March 1853.
79. GLOBE, 22 March 1853.
80. MORNING CHRONICLE, 11 March 1853.
81. GLOBE, 22 March 1853.
82. MORNING CHRONICLE, 11 March 1853.
83. IBID.
84. IBID.
85. GLOBE, 22 March 1853.
86. IBID.
87. MORNING CHRONICLE, 11 March 1853.
88. GLOBE, 22 March 1853.
89. MORNING CHRONICLE, 11 March 1853.
90. GLOBE, 22 March 1853.
91. IBID.
92. MORNING CHRONICLE, 11 March 1853.
93. GLOBE, 22 March 1853.
94. MORNING CHRONICLE, 11 March 1853.
95. GLOBE, 22 March 1853.
96. MORNING CHRONICLE, 11 March 1853.
97. GLOBE, 22 March 1853.
98. MORNING CHRONICLE, 11 March 1853.
99. IBID.
100. IBID.
101. GLOBE, 22 March 1853.
102. IBID.
103. MORNING CHRONICLE, 11 March 1853.
104. GLOBE, 22 March 1853.
105. MORNING CHRONICLE, 11 March 1853.
106. GLOBE, 22 March 1853.
107. IBID.
108. IBID.
109. IBID.
110. IBID.
111. IBID.
112. GLOBE, 22 March 1853. MORNING CHRONICLE, 11 March 1853, quotes Mr. Brown as saying, "But since the Union, that is twelve years."
113. GLOBE, 22 March 1853.
114. MORNING CHRONICLE, 11 March 1853.
115. GLOBE, 22 March 1853.
116. IBID.
117. MORNING CHRONICLE, 11 March 1853.
118. IBID.

WEDNESDAY, 9 MARCH 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Turcotte,--The Petition of the Reverend S. J. N. Dumoulin and others, of the Parish of Ste. Anne d'Yamachiche, County of St. Maurice.

By Mr. Dixon,--The Petition of John Craig and others, of the Town of London; and the Petition of Robert Robson, Chairman, on behalf of a Public Meeting held in the Township of London.

By Mr. Fortier,--The Petition of the Reverend J. Harper and others, of the Parish of St. Grégoire, County of Nicolet.

By the Honorable Mr. Young,--The Petition of the St. Lawrence and Ottawa Grand Junction Railroad Company.

By Mr. Christie of Wentworth,--The Petition of the Municipal Council of the Town of Brantford.

By Mr. Willson,--The Petition of the Municipality of the Township of Aldborough.

By Mr. Laurin,--The Petition of Joseph Valin and others, of the County of Portneuf.

By Mr. Brown,--The Petition of R. McKinnon, Esquire, and others, of the Village of Caledonia.

By Mr. Stuart,--The Petition of G. Joly, Esquire, and others, of the City of Quebec.

By Mr. Solicitor General Chauveau,--The Petition of L. Fiset and others, School Commissioners of the School Municipality of the Parish of Ste. Foye, County of Quebec.

Pursuant to the Order of the day, the following Petitions were read:--

Of J. Bap[t]iste Lamère, President, and others, the Sorel Library Association; praying for aid in behalf thereof.

Of Godfroy Cormier and others, Masters and Owners of Vessels trading between Quebec, Montreal, and the United States; praying to be exempted from paying the proposed tax for the deepening of Lake St. Peter.

Of the Municipality of the Town of St. John's; praying for the opening of a Road from the Township of West Farnham to the said Town, as petitioned for.

Of the Honorable D. Mondelet and others, of Three Rivers; praying for aid to enable the Board of Works to construct Piers at the mouth of the River Richelieu, to prevent the accumulation of ice, and so promote the opening of the navigation of the St. Lawrence.

Of Aimé Desilets, Esquire, and others, of the Town of Three Rivers; of Antoine Légaré and others, of the Parish of Ste. Foye, County of Quebec; of Michael Scott and others, of the Village of Cap Rouge and its neighbourhood, County of Portneuf; and of the Reverend Antoine Gosselin and others, of the Parish of St. Jean de l'Isle d'Orléans, County of Montmorency; praying for the incorporation of a Company to construct a Railway from Quebec to Montreal on the North Shore of the River St. Lawrence, and that the Provincial Guarantee may be extended thereto.

Of Peter Brown and others, of the Town of Southampton, Lake Huron; praying an Act of Incorporation for the construction of a Railway from the Town of Guelph to the Township of Saugeen.

Of John Fraser and others, Township Councillors of the County of Welland; praying that the Bill providing for the permanent re-union of the Counties of Lincoln and Welland may not pass into Law.

Of the Municipal Council of the Town of St. Catherines [sic]; and of the

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Municipal Council of the United Counties of Lincoln and Welland; praying for certain amendments to the Act to establish a Consolidated Municipal Loan Fund for Upper Canada.

Of the Municipal Council of the United Counties of Lincoln and Welland; praying that the Law relating to Municipal bodies may be so amended as to enable them to form Joint Stock Companies for the construction of public improvements.

Of Isaac B. Aylsworth and others, of the Village of Newburgh and its neighbourhood; of Benjamin S. Cory, Esquire, M.D., and others, of the Village of Wellington; of James Finlay and others, adherents of the Presbyterian Church in Whitby in connection with the Presbyterian Church of Canada; of F. George Scott, Esquire, and others, on behalf of the Kingston Sabbath Reformation Society; of Roderick Kennedy and others, of the Village of Bath; and of the Reverend James C. Usher and others, of the Town of Brantford; praying the adoption of measures for the abolition of all labor on the Lord's day in the Postal Department of the public service, and on the Provincial Canals.

Of Walter H. Denaut and others, of the County of Leeds; praying that the law providing that they shall be indemnified for damages done to their property by reason of the Rideau Canal, may be so amended as to entitle them to recover damages in cases not provided for thereby.

Of Simon Fennell, of the Township of Hamilton, County of Northumberland; representing that in the year 1844 the Sheriff of the said County, conspiring with other persons, sold certain Lands for taxes at a nominal rate, whereby the property of the Petitioner was sacrificed to his loss, and praying for an investigation in the premises.

Of Jacob DeWitt, Esquire, Chairman, and Thomas M. Taylor, Secretary, on behalf of a Meeting held in the American Presbyterian Church, Montreal; praying for the passing of an Act to prohibit the traffic in intoxicating Liquors in this Province.

Of Richard Juson and others, of the City of Hamilton; praying for the passing of an Act to revive and amend the Act incorporating the Burlington Bay Dock and Shipbuilding Company.

Of W. B. Nichol, Esquire, M.D., and others, Professors in the Faculties of Law and Medicine in the University of Toronto; representing the injustice which shall result to them by the passing of the Bill to amend the Laws relating to the University of Toronto, unless a just compensation be awarded to each of them in that behalf, and praying relief in the premises.

Of the Niagara Harbour and Dock Company and of Clarke Gamble, of the City of Toronto, Esquire, Trustee; praying that the Act of this Session to amend the Act incorporating the said Company, may be so amended as to enable them to give a free and unencumbered Title to the purchaser of the said Works.

Of F. Foster and others, of that part of the Province lying between the Galt Junction of the Great Western Railway and Malden on the Detroit River; and of Eliakim Malcolm, Esquire, Warden, on behalf of a Public Meeting of the Inhabitants of the County of Brant; praying an Act of Incorporation for the construction of a Railroad from the said Junction through Brantford, Norwich, and St. Thomas, to Malden aforesaid.

Of Alexander Willson and others, of the Township of Onslow; praying for a new survey of the sixth and seventh lines of the said Township.

Of L. H. Schofield and others, of the County of Ontario; praying an Act of Incorporation for the construction of a Railroad from Port Whitby on Lake Ontario to Sturgeon Bay on Lake Huron.

Of Joseph Déry, Esquire, and others, of the Parish of L'Ancienne Lorette, County of Portneuf; praying for the passing of the Bill to increase the Representation of the People of this Province in Parliament, in so far as it

relates to the said Parish.

Of the Town Council of the Town of Port Hope; praying for certain amendments

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to the Bill to vest the Harbour of Port Hope and adjacent premises in Commissioners.

Of Mrs. Margaret Lunn and others, Directresses and Lady Managers of the University Lying-in Hospital of the City of Montreal; praying for aid in behalf of the said Institution.

Of the Trustees of the Mount Royal Cemetery Company; praying for certain amendments to the Act incorporating the said Company.

Of A. B. Papineau and W. B. Leonard, Esquires, of St. Martin; praying that l'Isle Jésus and l'Isle Bizard may be separated from the Island of Montreal, and formed into a separate County.

Of George Husband and others, of the County of Haldimand; praying that the said County may not be made to give its guarantee, as proposed, for the re-payment of any amount of liabilities over and above the amount of Tolls which may be received from the Grand River Navigation, when completed by the Government.

Of His Grace the Archbishop of Quebec, Patron, and others, Officers of the Catholic Institute of St. Roch, Quebec; praying for the passing of an Act to incorporate the said Institute.

Of John Power and others, of the Parish of L'Ancienne Lorette, and others; praying for the passing of an Act to compel the Quebec Turnpike Trustees to macadamize the Road leading from Hough's Farm to the Trait Quarré de St. Augustin, instead of a certain other Road proposed to be made by the said Trustees.

Of the Honorable N. F. Belleau and others, of the City of Quebec; praying for the passing of an Act of Incorporation for the construction of a Bridge across the River St. Lawrence opposite or near to the said City.

MR. LAURIN¹ moved the reference of the petition of Louis C. Lefrançois ... to the Standing Committee on contingencies.²

A long discussion [followed], in which nothing of public interest was brought out³.

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Mr. Laurin moved, seconded by Mr. LeBlanc, and the Question being put, That the Petition of Louis C. Lefrançois, Esquire, Registrar of the first division of the County of Montmorency, praying to be indemnified for the expenses incurred by him in attending with Witnesses at the Bar of the House, to answer certain charges preferred against him by Joseph Cauchon, Esquire, a Member of this House, be referred to the Standing Committee on Contingencies; the House divided: and the names being called, they were taken down, as follow:--

YEAS.

Messieurs Cameron, Chabot, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Dubord, Fergusson, Fortier, Fournier, Gouin, Lacoste, Laurin, Lemieux, Malloch, Patrick, Rolph, Taché, Turcotte, White, and Wright of the East Riding of YORK.--(20)

NAYS.

Messieurs Badgley, Brown, Burnham, Cauchon, Clapham, Crawford, Dixon, Attorney General Drummond, Dumoulin, Gamble, Johnson, McDonald of CORNWALL, Macdonald of KINGSTON, Mackenzie, Sir A. N. MacNab, McDougall, McLachlin, Morin, Murney, Paige, Polette, Poulin, Attorney General Richards, Ridout, Robinson, Shaw, Sicotte, Stevenson, Street, Valois, Viger, Willson, Wright of West Riding of YORK, and Young.--(34)

So it passed in the Negative.

Mr. Sicotte, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That Thomas C. Dixon, Esquire, a Member

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of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That Mr. Dixon do attend in his place in this House, To-morrow.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--Supplementary Report of the Superintendent of Education for Lower Canada.

For the said Supplementary Report, see Appendix (J.J.)

Ordered, That the said Report be printed for the use of the Members of this House.

On motion of Mr. Stuart, seconded by Mr. Egan,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause the proper Officer to lay before this House, a Report on a Railway Suspension Bridge proposed for crossing the River St. Lawrence at Quebec, made to His Worship the Mayor and the City Council of Quebec, by Edward William Serrell, Engineer, with the maps, plans and estimates accompanying the same.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Stuart have leave to bring in a Bill to incorporate the Congregation of the Catholics of Quebec speaking the English Language.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Turcotte, seconded by Mr. Tessier,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of all reports, representations and suggestions which the Inspectors of Schools may have made or addressed to the Superintendent of Education for Lower Canada, as well as all correspondence which may have taken place between the said Superintendent and the said Inspectors since the appointment of the latter.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the honorable the Executive Council of this province.

Ordered, That Mr. Dumoulin have leave to bring in a bill to authorize the Creditors of Public Officers to attach by Saisie Arrêt after Judgment, the Salaries and Emoluments of the said Officers in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Burnham have leave to bring in a Bill to authorize a new Survey of the concession Line between the sixth and seventh concessions of the Township of Hamilton in the County of Northumberland.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

*On motion of Mr. Stuart, seconded by Mr. Patrick,
Ordered, That the 64th, 65th, 66th, and 70th Rules of this House be suspended as regards the Petition of His Grace the Archbishop of Quebec, and others of the City of Quebec.*

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Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to amend the general Railway Clauses Consolidation Act.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

MR. COM. PUB. WORKS CHABOT⁴ moved an instruction to the committee on the Ice Bridge at Quebec, directing them to inquire into the possibility of crossing the river between Quebec and Point Levy, during the winter by means of steamers. The hon. gentleman said that the Ice bridge at Quebec, when it had been formed had hitherto been found to remain so long before the city, as materially to obstruct the vessels from beyond [the] sea which arrive in the spring. It consequently became an object to ascertain if some other means could not be devised for keeping open the communication between the two shores during the winter. The mode which seemed most appropriate was the establishment of a steam ferry, to run the whole year, and persons who had seen what was done in Europe in weather colder than that which prevailed in Canada during the winter, were of opinion that there need be no difficulty to this project. This became the more necessary inasmuch as there was reason to believe that steamers would shortly come to the St. Lawrence, if not to Quebec, at any rate to Trois Pistoles, or some other convenient port throughout the winter.⁵

MR. AT. GEN. DRUMMOND gave it as his opinion that the lower St. Lawrence might be navigated throughout the whole of the winter, and cited the example of the two small screw steamers which had been sent during the last year to the Polar regions, and which had fully succeeded in breaking the ice, and passing through them. That this was quite possible was also proved by the success of Mr. Coffin in making the ferry run every day between Lachine and Caughnawaga. He had no doubt that a winter port in the St. Lawrence might be established at Tadoussac or elsewhere, and spoke of the thing in that discursive way in order to direct practical minds to the consideration of the subject.⁶

MR. CLAPHAM said that Mr. Sewell, a naval architect, had prepared a plan for a steam-ferry such as that spoken of; but since that other persons of experience had spoken of this as chimerical. He expressed his own opinion, however, that with proper vessels the St. Lawrence might always be crossed by steamers. As to the navigation--when the ice took at Quebec the navigation was clear to the ocean. The ice did not leave the Labrador coast till the spring, so that there would be less obstruction to vessels arriving in the Gulf of St. Lawrence during the winter, than at the usual time of the arrival of the early vessels.⁷

MR. EGAN thought there was no difficulty at all in having steamers running across the river, and therefore he knew no reason why money should be spent in an inquiry the result of which was already known.⁸

MR. INSP. GEN. HINCKS said no money was to be spent. As to the steamboats the question would soon be tested. Hitherto the whole passage between Montreal and Quebec had been on the North Shore, and the passage to the South Shore by ferry had therefore been of comparatively little importance. Now the construction of the Richmond Railway would lead, as similar circumstances had led at

Caughnawaga, to the establishment of a ferry by the railway company.⁹

MR. GAMBLE approving of the establishment of a steam ferry, ridiculed the idea of the citizens of Quebec being obliged to come down to the House of Assembly for every local project of this kind.¹⁰

MR. DUBORD thought it absurd for the hon. Chief Commissioners [sic] of the Board of Works who knew a great deal more about law than the public works, to talk about ships coming in the winter to Trois Pistoles. Would merchants send goods that way paying 20 per cent insurance, when they could go to American ports and pay 1 per cent. He would like to see this gentleman, who was so sanguine, take some shares himself in these speculations. The hon. Attorney Gen. treated the ice in his speech as if it were butter, but the hon. member had little experience of that article, and for his part he did not believe it could be dealt with so easily.¹¹

MR. EGAN held that the difficulties at Lachine were greater than at Quebec, and the latter would be as readily surmounted, if the people at Quebec were sufficiently enterprising to try.¹²

MR. ROBINSON believed the differences of circumstances between Quebec and Caughnawaga was [sic] very greatly in favour of the latter.¹³

MR. MACKENZIE cited the example of New York to show how easily these ice difficulties could be overcome, that harbour being full of ice all the winter without obstructing the ferry. Again in Toronto and the Niagara River, vessels run now though they had formerly thought it impos[s]ible to do so.¹⁴

MR. H. SMITH (Frontenac) held that it was presumptuous on the part of strangers to lecture the steamboat owners of Quebec on this subject. The truth was that no vessels could stand the crush of the ice without shelter. The canoes were used because they could be placed in safety.¹⁵

MR. COM. PUB. WORKS CHABOT replied: He only asked for enquiry; and thought there was nothing absurd in supposing that when the necessary appliances were discovered they might be provided. As to vessels coming to the River in the winter, of course if that were found as easy as in the summer, merchants would be as ready to send their vessels as in the fine season.¹⁶

MR. STUART was rather amused at the manner in which Upper Canadian members endeavored to enlighten the citizens of Quebec. About 20 years ago, a Capt. Lebreton, from the same quarter as the member for Ottawa, had induced the Legislature to make a grant, and he endeavored to stop the ice by ropes and straw, but without success. He was glad that the Hon. President of Public Works had at last taken even a very small step in favor of this long neglected city and district: it was indeed but a small affair, compared to what ought to have been effected, but he would accept of it as an earnest that ere long something better would be proposed, and that the Government would extend the interest it is beginning to take and promote the construction of the Suspension Bridge at Cape Rouge, so much desired by the City of Quebec and surrounding country. He was not prepared, owing to the thickness and pressure of the ice, to acquiesce in the facility which it was supposed by members from Upper Canada that the river could be crossed by means of a steamboat in the winter season. For his own part he was inclined to doubt the success of the experiment. He had however heard persons of skill in such matters express an opinion that a steamboat might be built to suit the purpose, and he would be happy to see the enquiry made by the committee.¹⁷

MR. DUBORD retorted the remarks of Mr. Chabot, and [said] that he had nothing to boast of in his personal appearance or exemption from hoary locks. He

perhaps imagined that because his own head was becoming white that it contained as much wisdom as the seven sages of Greece; but this was far from being the case, and he thought that the man who could condense remarks into a speech of three minutes surpassed in wisdom the one who, like the Hon. President, spun them out to an intolerable length. (Hear, hear.)¹⁸

MR. CLAPHAM did not rise to prolong the discussion, but he felt called on to observe in reference to the thickness of ice formed during a night in the coldest weather, that it never exceeded three inches, and there remained no doubt in his mind of the entire practicability both of keeping the landing places clear, and of traversing the river by the openings between the large masses of ice and through the loose ice, however dense [sic]; except perhaps in a very heavy pack in the Quebec side in a gale of easterly wind, which might occasionally interfere with the regular departure and arrival of boats. With respect to clearing off the ice formed on the sides of the vessels at night, it might be partly cut off and partly dissolved by steam, a little would be of advantage in protecting the sides from the effects of friction. Wharves erected at Cap Rouge would not only arrest the ice but give us clear water or a smooth bridge, but the town Cabinet and Quebec Committee had thought that the greater object of giving break-waters as a protection in summer, was one which justified a recommendation of the plan most likely to be of the greatest general utility. He denied that Quebec was obnoxious to the sweeping censure to which it had been subjected, for a deficiency of public spirit and improvement. Although not a native of the country, he had lived long enough in it to recollect that the only means of crossing the river in summer, was by birch canoes. A tribe of Micmacs periodically encamped at Point Levi, for that purpose; the next step in advance were sailing boats, then horse boats, and now, were smart steamers; and the same energy that had effected the other objects might with a like encouragement effect this also. A bonus of £2,000 offered to public competition he had no doubt would meet with a favorable response from the public. (Hear, hear.) The subject of reference would receive the best consideration of the committee.¹⁹

MR. TURCOTTE thought that the best way was, to erect piers at Three Rivers, to effect an early ice-bridge there, by which the immense masses of field ice from above, would be arrested--and thereby the danger of a jam or digue at the Richelieu or Cap Rouge be avoided.²⁰

Hear, hear, of approbation, from MR. CLAPHAM.²¹

DR. LATERRIERE made some ... remarks in favour of the measure, which he thought would be of the greatest benefit to the country.²²

COL. PRINCE was pleased beyond measure that there was likely to be some safe mode of crossing the St. Lawrence--for his own part he had a horror of canoes. He had been a great hunter in times past, and had, in prosecuting the chase, & on the assurance of perfect safety by an Indian hunter who accompanied him, ... trusted his precious body to their frail barques on the water, but on three out of four times that he had done so, he had been upset and had he not been a good swimmer, would have lost both his mouton and his life. He would not cross to Point Levi in a canoe were the place to be offered as an inducement. He had travelled twelve hundred miles from Sandwich to Quebec, to attend his parliamentary duties, and the north road had been preferred by him, in order to avoid crossing in canoes.²³

MR. SOL. GEN. CHAUVEAU said that many crossed in canoes for the mere pleasure of doing so.²⁴

COL. PRINCE said that this did not alter his opinion--there was no accounting for tastes.--De gustibus non disputandum.--Chacun à son gout.²⁵

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On motion of the Honorable Mr. Chabot, seconded by the Honorable Mr. Hincks, Ordered, That it be an Instruction to the Select Committee appointed to take into consideration and report on the advantages to be derived from, and the means by which may be obtained, a periodical Ice Bridge across the St. Lawrence at Quebec, to make enquiry and report on the possibility and practicability of establishing a line of communication by Steamers between the City of Quebec and the South Shore of the River St. Lawrence during the winter months, and what would be the best mode of construction of these Steamers, and of what materials and power, and the probable cost of each of the Steamers, and what number would be necessary.

The Order of the day being read, for resuming the adjourned Debate upon the Question which was yesterday proposed, That the Bill to provide a uniform mode of incorporating Societies formed for Charitable and Educational purposes, be now read a second time;

And the Question being again proposed:--The House resumed the said adjourned Debate.²⁶

MR. BROWN [continued his speech:] This bill, Mr. Speaker, has been framed to meet a loud outcry from Upper Canada and the British portion of Lower Canada, on the subject of ecclesiastical and charitable corporations. Year after year the tables of Parliament have groaned with bills for the chartering of Churches, Missionary Societies, Nunneries, Jesuits, Frères Chretiennes [sic], Hotel Dieus, Sectarian Hospitals, Sectarian Houses of Industry, Sectarian Lying-in Asylums, and various other similar institutions--all granting power to acquire and hold real estate to large amounts--without any check as to the manner of acquiring it--and without any provision for an annual return of affairs. The increasing number of these societies created alarm and opposition; and finally each new proposal for an ecclesiastical corporation brought on a warm contest. The opponents of the system demanded that all such bills should be absolutely refused; the friends of the system, on the other hand, maintained that some of the institutions for which charters were sought, all men admitted to be beneficial, and that without some power from the legislature they could not be carried on. Churches, for instance, and church-yards could not be held conveniently by trustees--difficulties were constantly arising--and the power of transferring the management from one generation to another was absolutely necessary. General hospitals too, they alleged, houses of industry, and other benevolent institutions, under the management and for the benefit of the whole community, every one admitted to be desirable--and corporate powers were necessary for the management of such. Well then, said the opponents of the chartering system, bring in two general bills, one for the regulation of all churches,--and another for the regulation of public charitable institutions--let existing charities be repealed, and all placed on the same footing; limit the amount of personal property to be held; forbid the holding of land for investment, let the charitable societies be public and not sectarian, provide for the utmost publicity, and put a severe restraint on the coercion of legacies from the dying penitent. This demand became very general throughout Upper Canada, and at the recent election on no point was a clearer expression obtained, especially from the Reform party, than on the question of these corporations. The present Government have availed themselves of this demand, but not, I regret to say, with the intention of meeting it frankly, and remedying the evil. They have used it as the

plea for extricating themselves from an embarrassing political position; and far from remedying the evil, to serve the petty purpose of the moment, they are willing to aggravate the mischief a hundred fold, which they profess to cure. With very few exceptions, the parties who demand these acts of incorporation are Roman Catholics--the Priests watch with jealousy the votes given upon each bill, and as one portion of the ministerial supporters are frequently ranged on one side in their divisions upon them, and the other portion on the opposite side, exsisting [sic] combinations are daily threatened with disruption. The measure now introduced by the Government is to prevent the recurrence of these collisions in their ranks; it professes to meet the demands of the Upper Canada Reformers--but it in fact yields all to the Lower Canada Priests--yields to them far more than they ever dared ask for themselves. The Liberals demanded that a general bill might be passed placing all sects on one footing, and restricting the establishment and administration of all chartered institutions, by those stringent and salutary checks which experience has shown to be absolutely necessary for the public weal; the government have replied by throwing down every barrier that has heretofore existed in the way of their establishment. They propose to let any five persons incorporate themselves, for any purpose--they propose that the evil which has been done by retail in the light of day, shall hereafter be done by wholesale in secret. They in fact surrender up all power now exercised by Parliament over Ecclesiastical Corporations.²⁷ Any five persons might go before the registrar of the county and get themselves incorporated. Then they were to be allowed to hold property to the extent of £2,500 per annum. He had shown how this would admit of the accumulation of property in mortmain, which was now checked by the necessity of passing the ordeal of the House. The next thing that he would point out was that the act would enable the property of churches to be handed over to the clergy of these churches, instead of being retained in the hands of the people. Nor did the bill provide for any investigation as to the character of the institutions to be established, so that societies for supporting foundlings and providing marriage portions and for other purposes which experience had proved to be most immoral might be established in any numbers. Churches too might be so incorporated that the clergyman would obtain an endowment that would render him altogether independent of the people. Again, any schoolmaster under this bill might obtain incorporation. Now he was in favour of giving every facility for the endowment of national schools, but none for the endowment of sectarian schools which he feared would arise under this bill. Wherever the clergy, whose business it was to preach, undertook to teach, they had failed; so that while in Rome, Austria, Spain, &c., the grossest ignorance prevailed, America and Scotland were eminently enlightened, and an unsectarian school system in Ireland was producing similar good effects, while the evil of ignorance in England was caused by the sectarian character of the education there.²⁸ I do protest, Sir, against any law being passed in this Legislature to recognize the teaching of our youth as under the control of the Church. The mission of the clergy is to preach the Gospel, not to teach the alphabet; and the history of the world shows that where the Church has obtained the control of the schools, she has miserably discharged her duty. Who ever heard of religion being taught in a common school? It is by the fireside, and in the study, and in the Sabbath class, and in the Church that the principles of religion are imbibed. Go to Italy and Spain and every Roman Catholic country under the sun and learn what the Church with despotic power in her hands does for the education of the masses! Look at Ireland under priestly education and compare the education then and now under a national system of secular instruction. Look at England and mark the utter apathy and indif-

ference with which even a reformed established Church may look upon the ignorance of the masses committed to her care.²⁹ In order to answer some of the arguments used on the other side the night before, the hon. member read from a London newspaper a statement to the effect that three-fourths of the commitments in the police courts of London were of catholic Irish.³⁰ But the most overwhelming evidence against the Institutions which always accompany Popery, is to be found in the statistics of crime and vice in those countries where they most abound. In Naples there is no end to them, and yet Whiteside states that in a population of 380,000, not less than 220,000 are declared to be "persons without any fixed employment"--that of 13,047 births in one year, 2,164 were illegitimate--of 144,465 cases brought before the police, but 32,297 were convicted--and in the higher tribunals, 22,050 cases were dismissed from want of evidence. In Sicily, the case is not better. Of 88,358 prosecutions, 49,904 were withdrawn by the complainants--and 200 murders occurred in one year. I cannot refrain from reading a passage from Whiteside in regard to Naples, which places the whole argument for the bill before us in a very brief space:--

"With 90,000 ecclesiastical persons throughout the Kingdom, and 10,000, including monks and friars in the capital, the majority of the population are sunk in ignorance and superstition. A fearful question it is to put. What have the 90,000 priests, monks, friars, and nuns done for the education of the Neapolitan people? They have been, are, and must be, until reformed, the great obstruction to the enlightenment of the popular mind, and if that mind ever be enlightened, it must be despite their influence. With respect to morals, notwithstanding the ceremonials of religion are celebrated with splendour, Naples is admitted to be one of the most profligate capitals in Europe; and I grieve to add, questions are sometimes put to passengers in the streets of this brilliant city, calculated to make a man start with horror."³¹

In Naples, Sicily, &c. ... there were many thousands of priests, &c., who had enormous revenues charged on the lands for saying masses, while the people were totally uninstructed.³² In Rome itself, the city is crowded with nunneries and communities of all sorts--but the picture drawn by every writer of the misery and vice that exists within them is truly appalling. One thousand infants are yearly exposed to the wheel which receives the offspring of crime into the foundling hospitals--and of these it is said not one-tenth ever reach maturity. There are 34 foundling hospitals in the Papal dominions and 3,000 children annually received into them by means of "the wheel." Are these the institutions we desire to build up in Canada? Is it for this the present Government was supported by the Reformers of Upper Canada? And there is even a step beyond this. I read the description of a Roman Catholic Institution drawn by Dr. Donovan late a Professor of Maynooth:--

"This Lying-in hospital adjoins the church of St. Rocco in the Ripetta. It consists of 70 beds, furnished with curtains and screens, so as to separate them effectually. Females who may have had the misfortune to become pregnant from illicit intercourse, are admitted, even in considerable time before parturition, without giving their names, their country, or their condition of life; and such is the delicacy observed in their regard, that they are at liberty to wear a veil, so as to remain unknown even to their attendants, in order to save the honour of their families and prevent abortion, suicide, infanticide. Even should death ensue, the deceased remains unknown. To remove all disquietude from the minds of those who may enter, the establishment is exempt from all civil, criminal, and ecclesiastical jurisdiction." It is stated that in 10 years, two thousand patients were received into this precious establishment. Now, sir, it may be that such dens of vice as this

would never be imported into Canada, but it is beyond all doubt that the Attorney General's bill would enable any five persons to set up just such an Hospital to-morrow.³³ Whitesides [sic], in his recent work on Italy, said that in order that Italy should be reformed the convents and entails must be abolished. The Rev. P. Mahoney in his evidence before the House of Commons said that in Rome out of 1,400 marriages, 800 of the wives were portioned by public charities, and that the effect was that they who had the patronage of the societies used them for most nefarious purposes, in exercising an influence over young women which was by no means productive of decency or good morals.³⁴

MR. LAURIN objected to the reading of books, but the house overruled the objection.³⁵

MR. BROWN did not believe the same effect would arise in this country as in those countries he had mentioned. He thought the people were too enlightened, but he contended that that was their tendency.³⁶ These ... are the priests which this bill of the Government would have us cultivate in Canada. But what shall we do?--shall we prohibit them? By no means--but let us guard against encouraging them.³⁷ Holding his own views he thought all other men ought to be able to hold and act upon their's; but what he wanted was that these institutions should not be encouraged. He had shown too, that these evils were not confined to Catholic institutions; but were common to Protestant ones of a similar kind, so that several Hospitals in Edinburgh were about to be broken up.³⁸ Let us erect a national system of benevolent and educational institutions on a better and more noble principle than these--let us adhere to that principle, and give no legal encouragement to houses of so injurious a tendency. Let us prohibit them from holding land as a source of revenue--let us declare that the inmates of religious houses who have taken monastic vows shall be dead in the eye of the law, and incapable of inheriting property--let us demand a full annual return of all the transactions of such houses and place them under visitation as all other institutions.³⁹ There are piles of evidence to show the abuses which have arisen in European countries in consequence of the locking up of the land from the improvements of the day: and often and again has it been found necessary to break up the system by the strong arm of the law. In Canada, one would think, there would be little need to sound a warning note against the progress of such an evil. Have we not had Canada Companies and Lower Canada Land Companies enough to teach us what it is in its least objectionable shape? How much the Clergy Reserves have retarded the progress of Upper Canada, hon. gentlemen may learn from Lord Durham's admirable report. Why are we now striving [f]or the overthrow of the Feudal Tenure of Lower Canada but to remedy the evil which this bill of the Attorney General proposes to rebuild in a still more objectionable shape?⁴⁰ Now while an attempt was made to abolish the feudal tenure and the Clergy Reserves, to free the land, the House was going to lay upon the country burdens such as it had never yet borne.⁴¹ Already abuse exists to a very dangerous extent. At the time of the conquest, over two millions of acres were held by the Roman Catholic Church, what amount was acquired from 1713 to 1841, I do not know, and have no means of learning--but it must have been very large. From 1841 to 1849 there were erected 54 ecclesiastical or charitable corporations--6 with the unlimited right of holding real estate, and the other 48 with the power of holding to the extent of £79,333 6s. 8d. per annum; and since 1849 we have had many additions in the number. It is impossible to form any accurate estimate of the amount of land thus locked up, but if the various institutions hold the property they are authorized to acquire, and if they obtain the average return received from

these lands by other corporations from which we have returns, there must be not less than ten millions of acres locked up in the hands of these ecclesiastical and charitable societies.⁴²

MR. INSP. GEN. HINCKS asked whether the 10,000,000 acres did not include the land held in seignior?⁴³

MR. BROWN: Of course.⁴⁴

MR. INSP. GEN. HINCKS: Then the hon. member knows nothing of what he talks about?⁴⁵

MR. BROWN: The hon. gentleman is as polite as usual. I perfectly understand how far my argument extends to land held under the Feudal Tenure, in comparison with land held in free and common socage. But the truth is, we are groping in the matter very much in the dark--we have no accurate information as to the amount of land held by these chartered societies--and it is no slight charge against the Administration that they ask us to legislate in the wholesale manner of this bill, without placing reliable returns before us, that we may know to what extent the alienation has already gone. Who can tell the amount of evil this ruinous system may soon entail upon us? We may not feel it now while land is yet abundant--but the best tracts of our country will soon be fully occupied--the value of land is rising rapidly--and the day is not far hence when we may be forced to commence such an agitation for the overthrow of corporate property as we now wage against the Clergy Reserves and the Feudal Tenure. The whole system is opposed to the growth of our country. We want not a tenant system on the continent of America. If we are to take our stand as a people alongside of the great Republic, it must not be building on Institutions of a past age, but by thoroughly educating the masses, and having a free and independent yeomanry cultivating their own land, with no landlord or tithe-collectors coming within their gates. I say then, Sir, that any law you may introduce will never be satisfactory to the Freeholders of Upper Canada, unless it provides against the growth of a tenant system over the land. Corporations must be forbidden to hold land for endowment; give them what is necessary for their actual occupation--but let them invest their funds in other security than land; and where they have acquired it, they should be compelled to dispose of it, within a certain period. This is the case now as regards the Banks in Canada--why should it be different in regard to other Institutions?⁴⁶ The bill was monstrous. He had looked into the statutes of Canada since the conquest, and he could not find one similar to it. During Mr. Papineau's time, before the English became influential in the House, such a bill would have been kicked out.⁴⁷ Are we to forget the historical evidence of Roman Catholic Canada, in this very matter, and reverse the wise precautions of Roman Catholic rulers a century ago? I read in Smith's History of Canada, that as early as 1703, an edict was issued by the King of France, "to restrain the religious communities from acquiring property beyond a fixed extent; and by a subsequent edict, no purchases in mortmain were to be made by them without leave in writing first had and obtained." And I read further that the evil still continuing, the King, in 1743, issued "a Royal edict which prohibited all mortmain acquisitions, and all changes and alienations." The same French Government it was, that at a late period expelled the Jesuits and confiscated their property; it was left to a united legislature, in 1852, to reverse the sentence and acknowledge them by law. In 1787, the Canadian Government brought before the country an educational scheme which would be an honour to any Government of the present day. They saw the evils of sectarian education, and they proposed to establish on a secular basis, a great national university,

a grammar school in every country, and a common school in every parish--schools in which all the youths of all creeds and opinions might meet together and obtain the high advantage of a liberal education. I say then, that if we pass this bill, we are retrograding from the position of a past age--and I call on the gentlemen from Lower Canada to respect the teachings of their own history, and resist this measure. It is a strange and a melancholy fact, Mr. Speaker, that such measures as this were scarcely heard of in Lower Canada until the Union of the Provinces--until Protestant subserviency began to do the work of Roman priestcraft. Search the whole history of New France--turn to the records of the Province of Quebec, from the conquest to the Constitutional act of 1791--read the journals of the legislature from that date to the Union in 1841,--and you cannot find a parallel for the legislation of this hour! The Church dared not have demanded such a measure as this--and had she done so it would have been rejected with indignation. In no Roman Catholic country in the world would such a law be tolerated for a moment.⁴⁸ One word more, sir ... and I have done. Is it desirable to have languishing and dying persons unprotected from solicitation by the priest? This bill of the Attorney General sweeps aside every restraint and allows the corporations under it to gain property in any manner they can; in England the law is at present this:

No land can be given by will to any charitable purpose.

A valid gift of land to a charitable purpose can only be made subject to the six following conditions: namely,

1. The gift must be by deed.
2. The deed must be executed in the presence of two or more witnesses.
3. It must be executed twelve months before the death of the granter.
4. It must be enrolled in the Court of Chancery within six calendar months after the execution.
5. It must take effect immediately, and be irrevocable.
6. It must contain no reservation whatever for the benefit of the granter.

In all Roman Catholic European countries there are protections against this evil. In some the dying man is forbidden to leave over a certain portion of his estate to the church and then only with the consent of Government; in others the priest is not entitled to receive any legacy for himself or his house.⁴⁹ In some countries the leasing of property for religious purposes, as in Spain and Portugal, had become such a nuisance that it would soon cure itself.⁵⁰ I do not think that in Canada, any more than in other countries, we can afford to remove all restraint--to pass such a bill as this without affording prosecution to heirs-at-law, would be most suicidal and unjust. On the whole, Sir, I repeat my conviction that such a loose and ill-considered measure as the one before us, was never submitted to a Legislative Assembly--and if we pass it, it will be a lasting monument to our folly and recklessness.⁵¹ He denied that he made this a religious question. It was purely a political one.⁵² Let hon. gentlemen remember that it is applicable to the Upper Province as well as to the Lower--and let them consider ere voting for it, under the influence of another atmosphere, how the people of Upper Canada will be satisfied to have such a system established throughout the west.⁵³ He warned Upper Canada members that if they passed such a bill, they would be having Frères Chrétiens, and Sisters of Charity, and such like Corporations springing up all over Upper Canada. Much was said of their devotion in the time of the Cholera, but if they had not attended to the office of attending to the sick others would have done it. In this respect their influence was to deaden public feeling and to do harm, (loud ironical cheers and interruptions).⁵⁴ I do hope this bill will be summarily thrown out--but should it not, just as we are now agitating against Clergy Reserves, and Feudal

Tenure, so will we ere long be compelled to agitate for the remedy of the evils we will this day create.⁵⁵ But, sir, I may be told these are mere details which can be corrected in committee. I do not think so--the principle of this bill is the unlimited creation of ecclesiastical corporations; what the country desires is a measure to restrain them, the one is the very antipodes of the other--there is not one clause in this bill which could be adopted in a measure to meet the views of Upper Canada. No other course is therefore open to those who think with me, but to throw out the bill if we can. I shall therefore move, that the bill be read a second time this day three months.⁵⁶

The motion was carried by the yeas to MR. J.S. MACDONALD the SPEAKER, who said "who seconds the motion?" There was no reply--and the Speaker added "no seconder--the motion falls to the ground."⁵⁷

A side laugh issued from the Treasury benches.⁵⁸

MR. GAMBLE said "I will second the motion"⁵⁹.

The paper was returned to ... MR. J. S. MACDONALD the SPEAKER, who read it⁶⁰.

(570)

Mr. Brown moved in amendment to the Question, seconded by Mr. Gamble, That the word "now" be left out, and the words "this day three months" added at the end thereof;

And a Debate arising thereupon;

MR. BROWN further called the attention of the Speaker to interruptions from the galleries.⁶¹

One or two members [made] some remarks⁶².

MR. J. S. MACDONALD the SPEAKER said that if there were any more interruptions the galleries would be cleared, and the persons interrupting taken into custody if discovered.⁶³

MR. CAUCHON.--M. l'orateur, vous ne sauriez croire avec quel regret, je prends part aux débats brûlants soulevés par l'honorable député de Kent.⁶⁴ That hon. member might say that this question had nothing to do with religion, nevertheless he had shown by the warmth with which he had spoken what his feelings were on the subject.⁶⁵ Je sais tout ce que ma position a de difficile et d'excessivement délicat. Quoiqu'il en soit, je veux éviter avec soin toute allusion aux symboles religieux, car je sais combien la fibre religieuse est facile à remuer. Je désire respecter toutes les convictions et ne considérer la question maintenant en débat qu'à son point de vue philosophique, que sous son aspect social et politique. (Très-bien.)⁶⁶ He merely wished to prove that the evils of which the hon. member for Kent had been speaking were not owing to the cause to which he attributed them.⁶⁷ Comme je le disais l'autre jour, le tort c'est de ne pas rechercher dans la véritable cause le mal dont on se plaint, c'est d'en accuser des causes, des institutions que en sont innocentes et dont tout le crime est de faire le bien. (Très-bien.)⁶⁸ He (Mr. Cauchon) could produce a number of facts to show that the amount of crime was greater among Protestants than among Roman Catholics but he would never say that it was owing to their religion.⁶⁹ L'honorable député de Kent a dit: "Parcourez le Haut et le Bas-Canada, et vous jugerez de l'effet de l'existence des corporations."⁷⁰ The hon. member for Kent asserted that the evil results of religious and charitable institutions were everywhere visible in Lower Canada, but the fact was that Upper Canada was three or four times more demoralized than Lower Canada; that the

institutions of Lower Canada could not be to blame, and thus, to take the argument of the hon. gentleman, the state of Lower Canada must be improved by these institutions. Before the union religious strife was unknown in Lower Canada; Protestants returned Roman Catholics to Parliament, and Roman Catholics returned Protestants; and before the year 1837 they never heard a discussion like the one that had just taken place. In America they boasted that every man was free, and yet if any one professed a religion different from that of the majority, he would be crushed down at once.⁷¹ Il a dit encore: "Partout où se trouve le catholicisme, là se trouvent le crime et la misère; les institutions de charité démoralisent au lieu de secourir; regardez l'Espagne, l'Italie, Rome."⁷² But that was not proved.⁷³ The assertions of the member for Kent were numerous, but his facts had been very few.⁷⁴ J'aurais voulu qu'il ne se fût pas contenté de simples assertions; mais qu'il les eût appuyées de faits incontestables; et qu'il eût prouvé que ces faits découlaient de la cause qu'il accuse avec tant de persévérance. C'eut été plus équitable, plus rationnel, et plus propre à apporter la conviction dans les esprits. (Ecoutez.)⁷⁵ He had taken the dicta of Macaulay and Hallam and other authors, but those statements were only opinions.⁷⁶ Il cite Macaulay; mais Macaulay n'a pas le droit d'être cru sans preuves, sans faits positifs, sans chiffres incontestables, plus que le premier venu, et pour ma part je ne suis disposé à abdiquer mon jugement pour personne au monde. Je ne veux céder qu'à la vérité et à la raison dépouillée de tout fanatisme, de tout préjugé religieux.

J'ai sous les yeux de nombreuses statistiques, des faits incontestables qui militent contre les assertions de l'honorable député de Kent: ces faits, ces statistiques sont puisés à des sources officielles, et plusieurs d'entre ces statistiques ont été recueillies dans les documents parlementaires de la Grande-Bretagne. Je demanderai la liberté de citer:

Ainsi, en feuilletant des documents parlementaires de 1851, l'on trouve le tableau suivant des montants payés pour le soutien des pauvres en Angleterre et dans le pays de Galles.

| Années. | Taxe des pauvres. | Années. | Taxe de pauvres. |
|---------|-------------------|---------|------------------|
| 1803 | £5,348,205 | 1832 | £8,622,920 |
| 1813 | 8,646,841 | 1833 | 8,606,501 |
| 1814 | 8,388,974 | 1834 | 8,338,079 |
| 1815 | 7,457,676 | 1835 | 7,373,807 |
| 1816 | 6,937,425 | 1836 | 6,354,538 |
| 1817 | 8,128,418 | 1837 | 5,294,566 |
| 1818 | 9,320,440 | 1838 | 5,186,389 |
| 1819 | 8,932,185 | 1839 | 5,613,939 |
| 1820 | 8,719,655 | 1840 | 6,014,605 |
| 1821 | 8,411,893 | 1841 | 6,351,828 |
| 1822 | 7,761,441 | 1842 | 6,552,890 |
| 1823 | 6,898,153 | 1843 | 7,085,595 |
| 1824 | 6,836,505 | 1844 | 6,847,205 |
| 1825 | 6,972,323 | 1845 | 6,791,006 |
| 1826 | 6,965,051 | 1846 | 6,800,623 |
| 1827 | 7,784,352 | 1847 | 6,964,825 |
| 1828 | 7,715,055 | 1848 | 7,817,430 |
| 1829 | 6,642,171 | 1849 | 7,674,146 |
| 1830 | 8,111,422 | 1850 | 7,270,493 |
| 1831 | 8,279,218 | | |

En 1850, la population de l'Angleterre et du pays de Galles était de 13,550,416.--Le nombre des pauvres secourus était de 940,851.

Si l'on récapitule pour les trois parties du Royaume-Uni, l'on aura en 1850:

| | Population. | Pauvres. |
|---|-------------|--------------------------|
| Pour l'Angleterre et le pays de Galles, | 13,550,416 | 940,851 |
| " l'Ecosse, | 2,620,184 | 179,889 |
| " l'Irlande, (dans les <u>Workhouses</u> et en dehors,) | 7,000,000 | 1,174,167 |
| Total, | 23,170,600 | 2,294,909 [<u>sic</u>] |

Le total des sommes payées pour le soutien des pauvres des Trois Royaumes, en 1850, s'élève au chiffre énorme de £9,294,191. Sur ce chiffre l'Angleterre et le pays de Galles, y sont pour £7,270,493, l'Ecosse pour £593,580 et l'Irlande pour £1,430,108.

Dans un rapport fait à la chambre des lords en 1850, l'on trouve les chiffres suivants:

| | |
|---|---------|
| Nombre de pauvres en Angleterre et le pays de Galles en 1847, | 908,871 |
| " " " 1848, | 993,767 |
| " " " 1849, | 943,693 |
| " " " 1850, | 890,693 |

Et à la suite de ces chiffres on lit la note suivante:

N.B. Il faut remarquer que, dans les chiffres ci-dessus, le nombre de pauvres ne comprend que ceux qui sont inscrits et secourus par les bureaux d'indigence; car le nombre des pauvres non inscrits est beaucoup plus considérable.

Voici un extrait conclusif d'un mémoire lu à la Société des statistiques de Dublin.

ANGLETERRE ET LE PAYS DE GALLES.

| Années. | Population. | Pauvres secourus. | Nombre de pauvres par chaque 10,000 Ames de population. |
|--------------|-------------|-------------------|---|
| 1839 | 15,461,300 | 1,134,165 | 735 |
| 1840 | 15,684,000 | 1,199,529 | 763 |
| 1841 | 15,906,700 | 1,300,928 | 817 |
| 1842 | 16,132,600 | 1,427,187 | 884 |
| 1843 | 16,361,600 | 1,546,390 | 945 |
| 1844 | 16,593,900 | 1,477,561 | 890 |
| 1845 | 16,829,600 | 1,470,970 | 874 |
| 1846 | 17,068,500 | 1,330,557 | 779 |
| Terme moyen, | | | 836 |

Ainsi le nombre moyen des pauvres nourris par chaque 1,000 âmes est de 836 ou de 1 sur 12 environ. Mais le nombre réel des pauvres dans le Royaume-Uni est incomparablement plus considérable. Un journal anglais disait l'autre jour, nous ne savons sur quelle autorité, qu'il était de 11 millions.

L'honorable député de Kent a dit que la mendicité se faisait surtout remarquer dans les pays catholiques. Or voici un extrait de l'Economie politique chrétienne de M. le vicomte de Villeneuve Bergemont, qui rétablit la vérité:

PAUPERISME EN EUROPE,--1837.
MENDIANTS.

| | | |
|--------------------------------|-------|----------------|
| Pays-Bas, | 1 sur | 102 habitants. |
| Angleterre, Ecosse et Irlande, | 1 " | 117 " |
| Portugal, | 1 " | 121 " |
| Italie, | 1 " | 126 " |
| Suisse, | 1 " | 150 " |
| Espagne, | 1 " | 154 " |
| France, | 1 " | 166 " |
| Allemagne, | 1 " | 200 " |
| Autriche, | 1 " | 200 " |
| Prusse, | 1 " | 202 " |
| Suède, | 1 " | 243 " |
| Danemark, | 1 " | 250 " |
| Turquie d'Europe, | 1 " | 266 " |
| Russie d'Europe, | 1 " | 1000 " |

C'est là le chiffre des mendiants; mais voici le chiffre connu de l'indigence avec ses causes. Ce tableau est encore emprunté à l'Economie politique chrétienne de M. de Bergemont:

[voir au verso/see next page]

Ce tableau prouve que le chiffre de l'indigence est plus considérable généralement dans les pays protestants que dans les contrées où règne le catholicisme. Il y a 1 indigent sur chaque 6 individus en Angleterre, 1 sur 20 en France, 1 sur 30 en Espagne, 1 sur 25 en Italie.

L'indigence dans les Pays-Bas est égale à 1 sur 7. Or la population de ce pays est en majorité catholique. Ici donc est la preuve que la religion n'est pour rien dans la condition matérielle des populations. Les Pays Bas sont, comme l'Angleterre, industriels, et peut-être plus qu'elle dans la proportion de leur population et de leur territoire. Les deux pays les plus indu[s]triels et les plus commerçants, sont ceux là précisément où règne le plus la misère, parce que l'industrie [sic] développée dans de grandes proportions attire les populations sur des centres, par centaines de milliers, et au moment de la crise, elles se trouvent sans moyens, et souffrent les horreurs de la faim. (Très-bien.)⁷⁷ The crime and poverty in England were not owing to the religion of the people, but to the small extent of the country and the immense population collected together to carry on her manufactures, and the moment a fall in the price of the manufactures took place, it was felt in the reduction of wages or loss of employment of the manufacturing population, and distress was the certain result. So it was in Belgium.... Could it be said that in either of these countries, which were so nearly alike in these respects, but one a Protestant and the other a Roman Catholic country, the pauperism which prevailed was owing to the institutions spoken of by the member for Kent.⁷⁸ Vous avez parlé des mendiants de Rome, et des horribles conséquences de l'existence des institutions de bienfaisance dans l'ancienne [sic] capitale du monde. Eh bien! voici ce que vous dit au sujet de cette ville M. Moreau-Christophe, dans son excellent ouvrage intitulé: "Du problème de la misère."

"Toutefois, en considérant les choses de plus près en [sic] est amené à reconnaître que le nombre des mendiants si exorbitant à première vue, ne l'est peut-être pas autant qu'il le paraît. Ce qui multiplie leur nombre à l'oeil, c'est qu'on les rencontre partout. Un mendiant à Rome, tient autant de place que dix individus. On les compte par milliers et ils ne sont que quelques centaines. Néanmoins le gouvernement a pris, depuis Sixte-Quint, des mesures

TABLEAU RECAPITULATIF DU NOMBRE DES INDIGENTS EN EUROPE.

EXTRAIT DE L'ECONOMIE POLITIQUE CHRETIENNE, DE M. LE VICOMTE BARGEMONT, 1837.

| Pays. | Religions. | Superficie en lieues carrées | Population par lieue carrée | Division de la population en | | Rapport de la population agricole à la population industrielle. | Nombre d'indigents. | Rapport du nombre d'in- digents à la population générale. | Population totale. |
|--------------------|---------------------|------------------------------------|-----------------------------------|---------------------------------|---------------|---|------------------------|---|------------------------------|
| | | | | Agricole. | Industrielle. | | | | |
| ANGLETERRE, | Protestante, | 11,319 | 2,071 | 9,360,000 | 14,040,000 | 2 : 3 | 3,900,000 | 1 : 6 | 23,400,000 |
| ALLEMAGNE, | Protest. et cathol. | 12,625 | 1,109 | 10,200,000 | 3,400,000 | 3 : 1 | 680,000 | 1 : 20 | 13,600,000 |
| AUTRICHE, | Catholique, | 23,230 | 1,377 | 25,600,000 | 6,400,000 | 4 : 1 | 1,280,000 | 1 : 25 | 32,000,000 |
| DANEMARK, | Protestante, | 9,075 | 275 | 2,000,000 | 5,000,000 | 4 : 1 | 100,000 | 1 : 25 | 2,500,000 |
| ESPAGNE, | Catholique, | 16,053 | 865 | 11,583,333 | 2,316,667 | 5 : 1 | 450,000 | 1 : 30 | 13,900,000 |
| FRANCE, | Catholique, | 26,837 | 1,212 | 25,600,000 | 6,400,000 | 4 : 1 | 1,600,000 | 1 : 20 | 32,000,000 |
| ITALIE, | Catholique, | 12,614 | 1,509 | 15,870,000 | 3,174,000 | 5 : 1 | 750,000 | 1 : 25 | 19,044,000 |
| PAYS-BAS, | Cathol. et protest. | 2,700 | 2,274 | 2,451,000 | 3,692,000 | 2 : 3 | 877,000 | 1 : 7 | 6,143,000 |
| PORTUGAL, | Catholique, | 3,680 | 957 | 2,941,665 | 588,335 | 5 : 1 | 141,000 | 1 : 25 | 3,530,000 |
| PRUSSE, | Protestante, | 9,757 | 1,334 | 10,648,915 | 2,129,085 | 5 : 1 | 425,933 | 1 : 30 | 12,778,000 |
| RUSSIE d'Europe et | Grecque domine, | 343,175 | 123 | 48,850,000 | 3,750,000 | 14 : 1 | 525,000 | 1 : 100 | 52,500,000 |
| POLOGNE, | Protestante, | 3,700 | 1,045 | 3,092,800 | 773,200 | 4 : 1 | 154,600 | 1 : 25 | 3,866,000 |
| SUEDE, | Cathol. et protest. | 1,660 | 1,028 | 1,142,666 | 571,334 | 2 : 1 | 171,000 | 1 : 10 | 1,714,000 |
| SUISSE, | Mahométane, | 25,923 | 331 | 8,312,500 | 1,187,500 | 7 : 1 | 142,500 | 1 : 40 | 9,500,000 |
| TURQUIE d'Europe, | | | | | | | | | |
| Totaux, | | 502,168 | | 177,552,879 | 48,922,121 | | 10,897,333 | | 226,745,000 (Nomb. rond.) |

Analyse des causes d'augmentation ou de diminution du nombre des indigents.

[Angleterre] - Philosophie matérialiste. Econ. politique fondée sur l'excitation des besoins. Extension indéfinie de la production industrielle.

Concentration des capitaux et des propriétés. Taxe des pauvres.

[Allemagne] - Prédomination de l'agriculture. Industrie exercée sur les produits du pays. Philosophie spiritualiste.

[Autriche] - Influence du catholicisme, de l'éducation religieuse, de l'agriculture et de l'industrie exercée sur les produits nationaux.

[Danemark] - Prédomination de l'agriculture, industrie exercée sur les produits du pays.

[Espagne] - Influence du catholicisme et du principe de la charité, de l'agriculture et de l'industrie qui en dérive.

[France] - Partie de la France sous l'influence des doctrines économiques, atteinte du paupérisme. Les provinces agricoles ont très peu d'indigents.

[Italie] - Influence du catholicisme, de l'agriculture, de l'industrie sur les produits du pays, et du climat.

[Pays-Bas] - Excès de population manufacturière.

[Portugal] - Comme l'Espagne.

[Prusse] - Influence de l'agriculture puissamment encouragée, industrie sur les produits du pays.

[Russie d'Eu--] Industrie agricole. Vaste territoire.

rope et Pologne]

[Suède] - Industrie agricole et des produits qui en dérivent.

[Suisse] - Do do do.

[Turquie] - Do Vaste territoire. Charité.

pour réprimer la mendicité; mais les romains de Rome chrétienne, sont les romains de cette Rome payenne, auxquels il fallait que les empereurs donnassent chaque jour du pain et les jeux du cirque: Panem et circenses. Les Romains d'aujourd'hui ont, comme leurs aïeux, une aversion profonde pour le travail.

"La papauté, loin de favoriser la mendicité, comme on l'en accuse à tort, a de tout temps employé ses efforts à l'extirper du sol de la chrétienté. C'est dans ce but que les papes ont créé des établissements de bienfaisance et de travail; c'est dans ce même but qu'ils ont pris des mesures très rigoureuses contre la mendicité.

"C'est au gouvernement pontifical que l'on doit la première réforme pénitentiaire. (Voyez M. Smith, dans son ouvrage 'A defense of the system of solitary confinement of prisons.' Philadelphie 1843. M. Smith est protestant.)

"Dans Rome seule l'on compte 372 écoles primaires fréquentées par 14,000 enfants. Et comme la population de Rome est de 150,000 habitants, c'est un enfant sur 11. C'est la même proportion qu'en Angleterre."--page 42.

Le tort, c'est d'attribuer à la religion ce qui est du sol, du climat, de la position géographique. L'Angleterre est industrielle, parce qu'elle est entourée d'eau de toutes parts, parce qu'elle est isolée, parce que son climat est froid comparativement, parce que son sol est étroit, parce qu'elle a besoin d'efforts pour vivre et c'est ce besoin d'énergie qui l'a fait grande parmi les nations. (Ecoutez.)

Les Romains furent actifs tant qu'ils furent faibles, tant qu'ils eurent des ennemis à combattre, et que leurs guerres incessantes les tinrent dans le travail et dans l'action, mais dès qu'ils eurent conquis le monde, ils firent comme l'armée d'Annibal à Capoue, ils se reposèrent, et, sous l'action du climat, ils devinrent indolents et paresseux.⁷⁹ In some of the countries of Europe, which had been spoken of as having so much poverty and misery, the people became indolent, for their geographical position, the warmth of the climate and the fertility of the soil, afforded them the means of subsistence, without any great exertion on their part. Such was the case in Italy and other parts of Europe⁸⁰. Le climat de l'Italie est si doux, son ciel si bienfaisant, la vie y est si peu chère, que l'Italien cherche naturellement le repos quand il a pu se procurer seulement quelques sous pour s'acheter de la nourriture. (Ecoutez.)⁸¹ So it was in Mexico and the southern parts of America. The people in those countries having no necessity for working hard, neglected the means of acquiring wealth⁸². Qui ne sait pas que les populations les plus travaillantes, les plus industrielles, sont celles qui habitent les climats froids. Pour vous en convaincre, regardez sur ce continent, et dites, par exemple, si les Etats du Sud de l'Union sont aussi riches, aussi travaillants que ceux du Nord. Et pourtant le sol des Etats de Sud est meilleur de beaucoup que le sol des Etats du Nord. Le petit Etat de Massachusetts, avec un sol quoique ingrat, est, pour son étendue, et sa population incomparativement le plus riche et le plus industrieux de l'Union. Les peuples des régions froides travaillent parce qu'ils ont besoin de travailler, et de ce besoin naît celui des grandes entreprises et de l'accumulation de la richesse. C'est là tout le secret de la prospérité d'un pays, le besoin et la religion n'y a été pour rien. (Très-bien.)⁸³ But it did not follow that because people were wealthy and prosperous, that they were happy and contented, and if they were satisfied with their lot and were happy with what they possessed, they need not be pitied because they were not wealthy.⁸⁴ Et l'Espagne, ce pays autrefois si grand, les convulsions politiques l'ont fait connaître au monde étonné d'y trouver tant de science et tant de génie artistique. L'Angleterre pourrait-elle montrer quelque chose même de passable à côté de ses chefs-d'oeuvre de peinture.

Elle a conquis et gouverné le monde, lorsqu'elle était catholique comme elle l'est aujourd'hui: elle tenait sur la tête de ses chefs une couronne impériale, et distribuait des couronnes royales sur l'Europe: ses vaisseaux couvraient les mers et portaient partout son commerce et les prodiges de son industrie.⁸⁵

COL. PRINCE.--Elle n'a jamais conquis l'Angleterre.⁸⁶

MR. CAUCHON.--Non, mais elle règnait sur le nouveau et l'ancien monde et dominait les mers; et si elle n'a pas conquis l'Angleterre, les Normands l'ont conquis.⁸⁷

COL. PRINCE.--Les Normands n'en ont conquis qu'une partie.⁸⁸

MR. CAUCHON.--Les Romains ont conquis l'Angleterre avant les Normands; dans tous les cas, ce fait de la conquête n'a rien à faire avec le sujet en débat. Il n'en est pas moins vrai que la catholique Espagne était puissante comme l'est la protestante Angleterre aujourd'hui.⁸⁹ Spain ... was now cited as an instance of the evil effects of these institutions and of the Roman Catholic religion, but her fault was not owing to these causes.⁹⁰ Elle est descendue au second rang des nations parce qu'elle s'est trouvée regorgée de richesse, et s'est livrée au repos, mais surtout parce qu'elle est descendue, comme gouvernement, dans les mines du Mexique et du Pérou, pour leur arracher cet or et cet argent qu'elle a répandus avec profusion sur le monde pendant que, dans sa soif ardente d'amasser du métal, elle laissait périr ses manufactures et son commerce. (Très-bien.)

Mais sont-ce sa religion et ses hospices de charité qui l'ont ainsi abaissée? Oh! non, puisque, catholique, elle fut la plus grande et la plus puissante nation de l'Europe.

La vie est facile en Espagne comme en Italie. "Les classes laborieuses y vivent de fruits et de légumes; elles sont presque sans besoins. Elles ne sont pas renfermées comme les nôtres dans d'immenses ateliers soumis aux vicissitudes du commerce extérieur. Elles travaillent peu, consomment mois." (Blanqui. Rapport sur la situation économique de l'Espagne en 1846.)

Mais cet état social est-il dû au catholicisme? Non, l'Espagne ne le doit qu'à son climat, et, dans tous les cas, la misère y est incomparablement moindre qu'en Angleterre.

J'a[i] dit que la Belgique, pays catholique, était celui où l'état social approchait le plus de celui de la Grande-Bretagne, parce que c'était un pays industriel et commercial comme elle. En effet, la Belgique, l'un des pays de l'Europe le plus peuplé, le plus industriel et le plus libre, est en même temps le plus misérable et le plus pauvre.

"D'après les statistiques officielles, sa population est de 4 millions. En 1839, le nombre d'indigents secourus à domicile était de 593,565, ou 1 indigent sur 6.93.

"En 1846, sa population était en 699,857, ou 1 indigent sur 6.20 habitants.

"Dans les provinces manufacturières, la proportion est encore plus forte, car le nombre des indigents y était de 1 sur 5, de 1 sur 4.95, de 1 sur 3.87 en 1846.

"Il résulte de ces statistiques que c'est dans le Hainaut, les Flandres, le Brabant, où l'industrie a reçu le développement le plus rapide et le plus large que le nombre des indigents s'est le plus progressivement élevé. Tandis que dans la province la plus pauvre du royaume, le Luxembourg, on ne trouve qu'un indigent secouru sur 61 habitants.

"Les deux Flandres avec une population de 1,400,000 habitants comptent 400,000 individus dans le dénombrement le plus complet et l'indigence la plus absolue. (Discours de M. Angélos, dans la chambre des députés Belges, séance du 23 janvier 1844.--Moreau-Christophe.)"

Donc l'honorable député de Kent a mal apprécié la cause de la misère des nations.

Vous avez parlé de monastères, de leur effet démoralisateur et ruineux; or, voici pour vous répondre Adam Smith.--Richesse des nations (Wealth of nations,) vol. 1 page 178.

"La gêne qui résulte des lois sur les pauvres est particulière à l'Angleterre. C'est le mal le plus fâcheux de l'Angleterre. Il a pour origine la destruction des monastères qui priva les pauvres des secours charitables des maisons religieuses."

Malthus (mort en 1834), Principle of population--page 366 dit: "les lois sur les pauvres telles qu'elles existent en Angleterre, ont contribué à élever le prix des subsistances, à abaisser le prix réel du travail; elles ont contribué à appauvrir la classe du peuple qui ne vit que de son travail, elles ont contribué à faire perdre aux pauvres les vertus de l'ordre et de la frugalité; elles leur enlèvent le goût et la faculté de faire quelques épargnes."

Le même auteur dit à la page 379: "Les principales causes de l'accroissement de la pauvreté en Angleterre sont en première ligne l'accroissement général du système manufacturier."

Cobbet et un grand nombre d'écrivains anglais, sans parler de ceux des autres nations, attribuent le paupérisme qui dévore l'Angleterre à la suppression des couvents et des monastères.

Dans les Etats-Unis, où l'on suit les principes de l'économie politique formulée par Smith, le paupérisme se montre déjà menaçant. En 1834, le Boston Advertiser disait: "On ne peut se faire une idée de la rapidité avec laquelle le paupérisme nous envahit, qu'en portant nos regards sur le passé. Alors on a la mesure des progrès immenses que fait chaque jour ce fléau; alors on reconnaît l'inefficacité de toutes les mesures adoptées jusqu'ici pour l'arrêter dans sa marche. Qu'on juge par l'état suivant:

"Massachusetts, en 1821, 1,34 pauvres sur 100 habitants, En 1832, ce nombre avait presque doublé, il était de 2,55 sur 100. A Boston, à New York, la taxe des pauvres a triplé de 1814 à 1831. Dans le New-Hampshire, on comptait, en 1800, 1 pauvre sur 300 habitants, aujourd'hui on en compte 1 sur 100. En Pennsylvanie, on comptait en 1820, 1 pauvre sur 40 habitants. Aujourd'hui la taxe des pauvres y est cinq fois plus forte qu'en 1820."

J'ai déjà parlé de la misère et de la démoralisation de la Grande-Bretagne, j'y reviens.

Un ami qui a voyagé en Angleterre et sur le continent, me disait il n'y a pas longtemps: "Je n'ai vu nulle part sur le continent de lieu aussi dégradé que Londres et Liverpool. Le jour on y est tourmenté par les mendiants⁹¹ [and] there were crimes of all sorts committed⁹² et on y est insulté le soir par les femmes de mauvaise vie⁹³ [who] held their court⁹⁴."

Déjà en 1840, on comptait à Londres 80,000 prostituées. D'où viennent, où se recrutent ces êtres dégradés? Je ne le dirai pas.....⁹⁵

COL. PRINCE. Do have mercy on the ladies.⁹⁶

MR. CAUCHON proceeded with his argument. He admitted that these prostitutes came principally from the class of Irish Catholic girls, but the reason of that was their social position, which had been forced upon them and was beyond their control.⁹⁷ Ces statistiques sont empruntées à M. Talbot, secrétaire de la "Société pour la protection des jeunes personnes du sexe."

"On compte à Londres seul, dit M. Talbot, plus de 80,000 filles publiques. Le nombre des maisons de prostitution, est de 5,000."

M. Ryan (Prostitution in London), dit "qu'à Londres plus de 400,000 personnes vivent de prostitution; que plus de £8,000,000 sterling s'y dépensent

annuellement par le fait seul de ce désordre."

Liverpool, Manchester, Leeds, Birmingham, rivalisent avec Londres sous ce rapport.

"Le nombre des crimes s'est accru en Angleterre de 1836 à 1842, dans l'effrayante proportion de 50 pour 100; dans les districts manufacturiers de 100 pour 100." (Léon Faucher, études sur l'Angleterre.)

Vous trouverez dans les rapports parlementaires que "la moyenne des accusés en Angleterre et dans le pays de Galles est de 27,760 par année. En 1842, le nombre des accusés était de 76,545, ce qui donne une arrestation sur 25 habitants."

C'est un spectacle effrayant. Mais en accuserai-je le protestantisme? Non, car son enseignement n'est pas la démoralisation et le crime. Ce triste état de choses est inhérent à la condition sociale faite à l'Angleterre par son système politique, ses lois, son industrie démesurée.

Bonaparte, ce prodigieux génie qui brilla vingt ans sur le monde, observait à Sainte-Hélène, à un anglais, que la proportion de crime était de beaucoup moindre en France qu'en Angleterre; et qu'elle allait décroissante en France sous l'action de ses lois et de son gouvernement pendant qu'elle allait incessamment croissante en Angleterre. Mais accusait-il le protestantisme de la criminalité en Angleterre, comme l'honorable député de Kent en eût accusé le catholicisme, s'il eût pu mettre la France à la place de l'Angleterre? Non, il accusait le système et les vices des institutions politiques et de l'économie sociale anglaise. (Ecoutez.)

Le nombre des pauvres et des mendiants dans Londres n'est pas exactement connu; mais les statistiques l'évaluent à un huitième de la population ce qui est de plus de 2,000,000. "A Londres, dit M. Léon Faucher (Etudes sur l'Angleterre,) en 1842, le nombre des pauvres était de 11 sur 100." (Legoyt. Charité officielle et privée de Londres.)⁹⁸

MR. BROWN.--Oui, mais la grande masse des pauvres de Londres est catholique irlandaise.⁹⁹

MR. CAUCHON.--Je ne contesterai pas le fait, je l'admettrai même, si vous le voulez; mais ces irlandais catholiques ne sont-ils pas pauvres par le fait du système que je condamne et qui est la cause de tout le mal social. (Très-bien.)¹⁰⁰ That was an argument rather in his (Mr. Cauchon's) favor, for they came to a Protestant country, and there was no means of relieving their distresses.¹⁰¹ Si vous voulez avoir une idée de la condition, de la démoralisation des pauvres en Angleterre, lisez le rapport de M. Chadwick, On sanitary condition of the labouring population of Great-Britain; voyez également Hand Loom Weaver's Commission, Report by Mr. Dickson, et le rapport des diverses commissions ordonnées par le parlement impérial. Ces rapports forment plusieurs volumes in-folio.

Permettez-moi de vous renvoyer encore au discours de Lord Brougham, prononcé le 11 juillet 1842, à la chambre des lords, sur la misère des populations des comtés de Leicester, Shrops., Stafford, Warwick, York et Lancaster.

Enfin, pour le chiffre connu des mortalités causées par la misère des classes ouvrières, lisez le Quarterly Journal of the Statistical Society of London; the Statistics of Manchester. Docteur Watkins, Factories inquiry, 2d. Report.

Les rapports parlementaires vous donneront de la même manière une idée de l'intempérance de la population de l'Angleterre.

Mais jetons un coup d'oeil sur l'Ecosse, la patrie de l'honorable député de Kent.

"Les basses classes en Ecosse sont exactement réduites à l'état de l'Irlande, (Pultney Alison, On the management of the poor of Scotland, 1840)."

"L'on voit le taux de la taxe s'élever progressivement d'année en année comme en Angleterre et menacer le pays d'une ruine complète, (Moreau-Christophe)."

"Par ses conséquences naturelles et irrémédiables, la taxe entraînera la ruine du pays, (Nasseau, A letter to lord Howick, p. 29 et 30.) Il est des paroisses où le sol, ne rapportant plus de quoi payer la taxe, n'est plus cultivé, où les terres et les mines restent dans l'abandon et sont aussi perdues que si un tremblement de terre les avait englouties, (Edimb. Rev., fev. 1818)."

"Quant aux signes extérieurs du paupérisme, à ses demeures, à ses habitudes, à ses effets de dégradation physique et morale, ils sont les mêmes en Ecosse qu'en Angleterre, et ici comme là, les institutions charitables et préventives sont de même que les institutions répressives, également impuissantes à arrêter le chiffre toujours croissant de la prostitution, de l'ivrognerie, de la criminalité, de la mortalité chez les classes pauvres, (Moreau-Christophe)."

"On ne trouverait d'expressions dans aucune langue pour décrire certains quartiers des villes écossaises, et particulièrement la partie basse de la ville de Glasgow, qu'on appelle les Wynds. C'est le refuge par excellence des vagabonds et des gens sans aveu. La population flottante varie de 15,000 à 20,000 individus. La description qu'en a faite M. Symour se termine par ces mots: 'La longue inspection que j'ai faite des plus pauvres quartiers des autres villes, en Angleterre et sur le continent, ne m'a jamais rien offert qui approchât de moitié de ce que j'ai vu ici pour l'intensité et l'étendue de la corruption physique et morale. (Voyez Arts and Artisans, at home and abroad, by J.L. Symour, p. 166 et suiv.)'

"L'Ecosse si longtemps fameuse par la beauté et la vigueur de sa population, offre aujourd'hui un frappant exemple de ce que deviennent les races les plus généreuses sous l'empire de la misère." (Voyez à ce sujet: Report on the pauperism of Dundee, Fullarton et Blaird, p. 65.)

"J'ai vu à Edimbourg, la prostitution se produire sous un aspect plus hideux encore qu'à Liverpool, à Manchester ou à Glasgow, (Moreau-Christophe, 3v., p. 234, note 5). J'ai vu des jeunes filles, de moins de douze ans, et en grand nombre, demandant l'aumône d'une main et vous provoquant de l'autre à la débauche...., et cela ouvertement et à titre de métier appris, reconnu, toléré...." (Moreau-Christophe.)

"L'Ecosse, avec une population de 2,365,114 habitants, consomme 6,767,715 gallons de liqueurs spiritueuses, soit 23 pintes par tête. On n'en consomme que 13 pintes par tête en Irlande et qu 7½ en Angleterre. Ni l'âge ni le sexe ne sont exempts de s'enivrer en Ecosse. On compte à Glasgow, une maison sur dix où l'on débite des liqueurs. (Voir Handloom Weaver's inquiry, part. 1, Rep. of Symour, p. 52.) On a constaté en 1833, à Edimbourg, 8,630 cas d'ivresse complète sur un nombre de 55,232 habitants, soit un ivrogne sur un peu plus de six habitants. L'augmentation dans la consommation des spiritueux a été de 240 pour 100 en Ecosse, dans un intervalle de 17 ans." (Ducpétiaux, t. 1, pag. 359 et 363.)

Or, l'Ecosse n'est pas un pays catholique. Mais je ne ferai pas peser sur les enseignements du protestantisme ce qui provient d'une cause qui leur est étrangère. (Très-bien.)¹⁰²

Et la Suède donc, où domine la religion de Luther, n'est-elle pas démoralisée au delà de toute expression? A peine y trouve-t-on un enfant légitime. Irai-je donc dire que la religion du Suédois est la cause de sa démoralisation? (Ecoutez.)¹⁰³ No, religion did not demoralize. Sweden was Lutheran, and if it had been Roman Catholic, it would have been cited as an instance of the evil of Roman Catholic institutions by the hon. member for Kent. He had been told that a case occurred in Toronto, where a person taken with cholera had only been aided by some of the Christian brothers. In the United States pauperism had increased to a great extent, but it would not be said that it was

caused by either religion or monastic institutions.¹⁰⁴ Vous avez parlé du Bas-Canada, de son ignorance, de son abaissement.

Si le Bas-Canada n'est pas aussi avancé sous le rapport de l'instruction qu'il devrait l'être, faut-il s'en prendre aux institutions qui ont le plus fait pour donner au peuple le pain de l'intelligence, qui ont donné au pays ses hommes publics et ses gloires nationales? C'est le gouvernement qui de 1759 jusqu'à l'époque du système nouveau, a paralysé l'instruction dans le Bas-Canada, comme il paralysait la colonisation par les habitants du sol, parce qu'il croyait, sans doute, qu'il était plus facile de gouverner un peuple ignorant qu'un peuple instruit. (Ecoutez.)¹⁰⁵ The government had done all in their power to keep the people in ignorance ... and he could show enormities that had been practiced since the conquest that would hardly be believed.¹⁰⁶ Avant 1759, le peuple canadien savait généralement lire et écrire, et il devait son instruction au clergé. L'habitant même de nos forêts apprit la lecture et l'écriture des Pères Jésuites¹⁰⁷, who were such a source of horror to the hon. member¹⁰⁸, et les a conservées scrupuleusement jusqu'à ce jour. (Ecoutez.)¹⁰⁹ He did not say that all the teaching should be in the hands of the Priests, but by them all the best and ablest men of the land had been educated, and by their instructions the children of the very poorest often rose to the very highest position. So long as the institutions did their duty why should they be put down. When they become a source of evil he (Mr. Cauchon) would be ready to oppose them.¹¹⁰ Mais ne parlez donc pas de notre ignorance, quand la jeune génération sait lire et que le peuple de la grande nation, le peuple anglais est peut-être le plus ignorant de toutes les nations de la terre.¹¹¹ Was that caused by their religion?¹¹² Les masses en Angleterre sont généralement lourdes et stupides; elles sont tellement ignorantes, depuis même que le lord Brougham a dit que "le maître d'école était à l'oeuvre" pour les régénérer, qu'il n'y a pas longtemps encore, des chiffres officiels constataient que sur 26,000 mariages faits dans une année, plus de 13,000 ou 26,000 contractants ne savaient ni lire ni écrire.¹¹³

MR. BROWN.--Où avez-vous vu cela?¹¹⁴

MR. CAUCHON.--Je vous le prouverai si vous le voulez.¹¹⁵

COL. PRINCE.--J'admets le fait.¹¹⁶

MR. CAUCHON.--Je ne veux rien dire de blessant; telle n'est pas ma pensée, tel n'est pas, ne peut pas être mon objet.¹¹⁷ He did not accuse religion of it. And this point he wished particularly to enforce--evils that did not come of religion ought not be charged to it.¹¹⁸ Mais si vous alliez juger de la condition morale d'un peuple par ses institutions, par sa religion, je vous dirais: Portez votre regard alternativement sur le Haut et sur le Bas-Canada, et dites après cela que nos institutions ont la tendance et l'effet que vous leur reprochez.

J'ai sur les yeux un tableau des admissions au pénitencier, pour les années 1841, '42, '43, '44, '45, '46, '47, '48 et '49. Or, dans ce tableau officiel, incontestable, vous trouvez que la criminalité dans le Haut est trois fois plus considérable que dans le Bas-Canada. (Ecoutez.)¹¹⁹

MR. BROWN.--Oui, mais l'honorable député de Montmorency voudra bien remarquer que la population du Bas-Canada est stable, tandis que celle du Haut-Canada est mouvante, et se renouvelle chaque jour par l'immigration.¹²⁰ In Upper Canada, there were a great many strangers,¹²¹ who were not settled in their habits as the people of Lower Canada.¹²² And great numbers were employed on the public works which were going on, which added much to the number of criminals.¹²³ But the Lower Canadians were not more moral than the Upper Canadians.¹²⁴

MR. CAUCHON.--Cela est possible, et ne prouve pas dans tous les cas la moralité des pays où se recrute votre population. Mais ne voyez-vous pas que vous me donnez raison et que c'est ailleurs que dans la religion et les institutions religieuses que vous deviez aller chercher la cause du mal que vous croyez voir.¹²⁵ The hon. member reasoned from false premises, and that was like all his reasoning.¹²⁶ Mais voici ce que je trouve dans le tableau que je tiens dans ma main.

Le nombre des forçats qui sont entrés au pénitencier depuis le 1er octobre 1840 jusqu'au 1er octobre 1849, est de 2345. Sur ce nombre, 110 seulement, ou un 21^{me} sont d'origine française. Or, le [sic] population française est par rapport à la population britannique comme 6 est à 10. Si la moralité chez les deux populations était la même, le nombre des forçats d'origine française, serait par rapport à celui des forçats d'origine britannique, comme 6 est à 10; mais il n'est pas même comme 1 est à 21.

La mouche a dévoré durant près de 20 ans nos moissons, direz-vous que la cause de cette calamité se trouve dans nos institutions? (On rit.) Il faudrait le croire, il faudrait dire, pour raisonner comme vous: Les institutions religieuses, les hôpitaux, les établissements de bienfaisance démoralisent les populations au milieu desquelles ils se trouvent; la démoralisation engendre la misère, la crapule, la pourriture. Or, c'est dans la pourriture que prennent naissance les insectes et les vers qui dévorent le blé. (Rire et écoutez.)¹²⁷ Much had been said about the poverty of Lower Canada, but they had not the wealthy emigrants that were continually going to Upper Canada. They had to work for their support without any of those advantages. A man might have inherited wealth from his forefathers without any great merit of his own.¹²⁸ The chief difference was that Upper Canada had more capital¹²⁹. Cependant vous poussez à l'exagération, nous ne sommes pas si pauvres que vous le dites. Plusieurs des députés du Haut-Canada sont descendus par le Nord du fleuve; et ils y ont vu partout des demeures confortables et des granges qui n'annoncent pas la misère. N'ont-ils pas vu au contraire dans ces maisons blanches et si propres, le signe du bonheur et du contentement?¹³⁰

Plusieurs députés du Haut-Canada.--Oui.¹³¹

MR. CAUCHON continued: But take the moral condition of the people in another point of view, and see what temperance has done for Lower Canada.¹³² Il fut un temps où notre peuple consommait une quantité énorme de spiritueux et l'on avait souvent dans le B.-C. le spectacle hideux de l'ivrognerie dans nos rues et sur nos chemins publics. Mais à la voix du prêtre au nom de Dieu, le peuple Canadien s'est comme transubancié, il est devenu tempérant universellement. C'est un phénomène social qui n'a d'exemple nulle part dans l'histoire des peuples anciens et des peuples modernes, que cette transformation si complète de toute [sic] un peuple.

Mais le Haut-Canada gémit encore sous le joug de l'intempérance, je ne le dis pas pour blesser, je ne veux que constater un fait, et l'ivrogne se promène chaque jour triomphalement dans les rues de Toronto et dans les autres villes du Haut-Canada.¹³³ He (Mr. Cauchon) had been in Upper Canada, and had seen the intemperance that prevailed there. He had seen the farmers drunk in the streets of Toronto, when coming in with their produce. (Cries of no, no.) They might say what they liked, but he had lived in Toronto long enough.¹³⁴ Faut-il donc dire que le protestantisme [sic] conduit à l'ivrognerie, que c'est là sa tendance? Oh! non, car il possède des hommes de coeur en grand nombre qui veulent l'arracher à cette condition dégradante, à ce vice infâme qui le tue comme il nous tuait. (Très-bien.)

Mais je crois l'avoir dit, en parlant de la Belgique, partout où la population est trop dense pour l'étendue du sol, partout où le sol ne peut la nourrir, là se trouve la misère, et la misère à son tour produit nécessairement

tous les vices et enfante tous les crimes contre lesquels ont besoin de sévir pour le salut de la société les lois humaines. Le remède le plus efficace contre ce mal moral, c'est l'émigration; quand on n'a pas attendu trop tard et que l'émigration est possible dans les proportions voulues. Mais l'émigration ne suffit pas, ou n'est pas toujours possible, et les institutions politiques et surtout les institutions sociales peuvent aider puissamment à aggraver ou à diminuer le mal, suivant qu'elles sont régénératrices [sic] ou désorganisatrices [sic] dans leur tendance. C'est contre le système politique et social de l'Angleterre que je réclame; c'est lui qui est la cause de l'incomparable misère qui pèse sur le peuple anglais.¹³⁵ He did not believe that the prosperity caused by the accumulation of capital in a few hands, was desirable. The masses were not the better off for a few men being rich. Better that there should not be so much capital in the country if the great body of the people were happier without it.¹³⁶ Il y a généralement plus de moralité là où il y a plus de propriétaires, et la révolution française, dont je repousse les abominations de toutes les forces de mon âme, en divisant la propriété, en l'éparpillant, en la donnant à la population tout [sic] entière, en égalisant ainsi les conditions, a opéré dans cette population une transformation morale, complète et prodigieuse. Cette révolution est non-seulement un grand fait historique, mais c'est un grand fait social. (Ecoutez.)¹³⁷ Why was France in her present condition? Was it on account of her religion or these institutions? No, it was because she was not prepared for republican institutions.¹³⁸ Aujourd'hui, l'on compte en France au delà de cinq millions de propriétaires, et si cet éparpillement de la propriété est contraire au développement démesuré de l'industrie, s'il l'est à l'accumulation des capitaux de la fortune, de la propriété dans les mains de quelques centaines de familles, il ne l'est pas au bonheur des peuples: C'est précisément l'énorme industrie de l'Angleterre qui, en concentrant la richesse dans quelques mains favorisées, augmente chaque jour sa misère énorme et les indicibles souffrances des masses. Et à côté de ces maux incompréhensibles opèrent froidement le hideux système des poor-laws, qui aggravent [sic] le mal, en jetant la souffrance dans le désespoir, en lui ôtant les consolations de l'évangile de la charité. (Ecoutez.)

La plus grande erreur, le plus grand écart de jugement que puisse faire l'homme, c'est de juger tout ce qu'il trouve, tout ce qu'il observe en voyageant, d'après ce qu'il a vu dans sa patrie, dès son bas âge, d'après ses préjugés d'éducation, d'après les institutions au milieu desquelles il a vieilli; et, cependant, c'est l'erreur, c'est l'écart de jugement de presque tous les écrivains et de tous les voyageurs. L'anglais qui n'a pas même aperçu dans les rues de Londres tout ce qu'il y circule de crimes et d'êtres immondes, parce qu'il s'y est fait dès son âge le plus tendre; l'anglais, à peine met-il le pied sur le continent, qu'il voit partout la misère, partout le crime, partout une condition morale affreuse, partout l'ignorance, partout des institutions fautives. Le français qui traverse la Manche n'est pas plus exempt que l'anglais des préjugés qui faussent son jugement en ne lui laissant voir la perfection sociale que dans son pays.¹³⁹ Because there were a few beggars that did not prove the whole people of the country were beggars.¹⁴⁰ Much had been said and much had been written about the state of the continent, but how few there were that knew anything of the real state of the countries which they described. An American, describing Canada, had set the whole people down as a nation of beggars, because he had seen a few little boys at Montmorenci Falls, with flowers, asking for coppers. And so it was with Europe, people judged of the whole country by what was seen in a few large towns. Suppose any person judged of the state of the whole of England by the poverty and degradation they saw in Liverpool and London.¹⁴¹ Par exemple, la multiplicité des moines en Italie vous répugne; vous ne voudriez pas d'un pareil état social, et, pour ma part, je vous avoue franchement que je ne le trouverais pas convenable à notre état

de société. Mais si le peuple qui possède ces institutions d'ordres mendiants, s'en trouve bien, s'il y est attaché, et si vouloir les lui ôter ce serait le pousser à une révolution, qu'avez-vous à vous plaindre, qu'avez-vous à intervenir? Son bonheur n'est-ce pas là son but?¹⁴² The hon. member enlarged on the nature of monastic institutions; he showed that they possessed many virtues especially for administering to the wants of the poor; and contended, that those countries who desired them, ought to have them. It was always pernicious to attempt to change suddenly the institutions of a country, and no statesman ever attempted it.¹⁴³ "Le moine-mendiant ne prend que ce qu'on lui donne," me disait l'autre jour quelqu'un qui a visité l'Italie, et quand le père de famille, qui lui a donné une partie de son pain, tombe malade, non-seulement le même moine le nourrit, mais encore lui administre les remèdes, veille auprès de lui la nuit et le jour, lui donne des paroles de consolation, l'encourage et le fortifie dans ses souffrances. Il reçoit son dernier soupir et lui ferme les yeux; c'est son ami de tous les moments. Peut-il le haïr? pouvez-vous le lui arracher sans danger? Pouvez-vous, dans tous les cas, le blâmer de le préférer à vos poor-laws, qui dessèchent l'âme, et décrètent que la charité est un crime social?"

Le voyageur hâtif a à peine aperçu, qu'il décide et qu'il prononce un jugement qui sera accepté par ses compatriotes, parce qu'il a touché à la fibre nationale, en la flattant. Mais n'est-ce pas un grand mal que ces jugements précipités et fautifs? et un mal plus grand encore que la facilité avec laquelle ils sont acceptés par des millions?¹⁴⁴ He enlarged on the folly of judging a country by travelling through it merely. He complained of the ignorant opinions commonly entertained of Canada, and said that a Canadian priest being at a funeral of a Bishop in France was asked if they still ate men in Canada; and he replied, "no, they only eat goose." (Laughter.) That was one specimen of the ideas of people of Lower Canada.¹⁴⁵ Y a-t-il cependant rien de plus difficile que la science complète des institutions d'une nation? Et si le nombre des hommes qui, par des études spéciales de toute la vie, peut comprendre et apprécier à fond l'état social et politique du peuple dont ils font partie, est si restreint, et si la plupart se tournent et se retournent au milieu d'une société, dont ils sont une portion, sans la comprendre, sans même songer qu'elle existe, comment voulez-vous que l'étranger qui ne fait que passer en courant, puisse rendre justice à cette société? (Très-bien!)

M. de Tocqueville, l'un des rares voyageurs qui ont bien apprécié les peuples qu'ils ont visités, M. de Tocqueville a passé plus de deux ans aux Etats-Unis à étudier leurs institutions politiques, leurs institutions sociales et leurs moeurs, et cependant les américains, qui l'admirent comme écrivain, comme un penseur, vous disent qu'il ne les a pas parfaitement compris, et surtout sainement jugés. Comment donc celui qui n'a pas fait de pareilles études des institutions et des moeurs d'un peuple pourra-t-il les comprendre et les juger? (Très-bien.)

Macaulay a dit que l'Eglise de Rome avait indubitablement rendu des services à l'humanité pendant les quinze premières [sic] siècles du christianisme, mais qu'elle avait cessé de lui en rendre depuis trois siècles. Cette prétention, non-seulement n'est pas fondée sur l'histoire, mais encore elle est profondément absurde. En effet, où trouverez-vous un pareil fait historique, une pareille transformation spontanée du pour au contre? Où trouverez-vous qu'une cause qui a produit des effets salutaires et bienfaisants pendant quinze cents ans, produise des effets diamétralement opposés par le simple fait de l'apparition d'un homme (Luther) sur la scène sociale? Il ne suffit donc pas à Macaulay d'affirmer, il lui faut encore prouver, surtout quand l'histoire des nations continentales, quand des écrivains protestants parmi lesquels se trouve Guizot, donnent d'éclatants témoignages aux importants services que le catholicisme et ses institutions rendent incessamment à l'humanité. Macaulay est certainement

un écrivain de talent, et un historien distingué; mais il se distingue plus par le brillant de son style que par la rectitude de ses jugements, l'exactitude de ses renseignements historiques. Guizot, protestant comme lui, lui est de beaucoup supérieur comme historien, comme philosophe, comme homme d'état. Guizot est une des gloires de l'Europe et l'un des plus grands écrivains de ce siècle. Or il a rendu un éclatant témoignage aux institutions du catholicisme, et même, quand il était ministre de France, il a encouragé les écoles des frères, et les a pour ainsi dire pris sous sa protection. (Ecoutez.)

Après Guizot, je pourrais citer bien des noms d'écrivains protestants pour vous combattre; mais ils sont inutiles au triomphe de la vérité.¹⁴⁶ In France, after the revolution, these institutions had been again established, because the people could nowhere get the same benefit and relief....In Quebec and Montreal the Protestants, seeing the good effect of the Roman Catholic institutions, had established similar ones. The hon. member alluded to the landed corporation. The member for Kent was willing to give land to any amount to educational purposes provided that they were not connected with religion. In the early times it was acknowledged that Roman Catholic institutions had done a great deal of good, and if they had failed, it was merely because they were human, not because they were religious.¹⁴⁷ Tous les écrivains protestants instruits ont reconnu les éminents services rendus aux sociétés Européennes par la papauté. La papauté a été durant plusieurs siècles la seule gardienne et la seule protectrice de la liberté contre la tyrannie des rois et des puissances. Son pouvoir que l'on trouverait étrange aujourd'hui, qu'on n'accepterait pas, était le droit public, le droit des nations par l'acquiescement des peuples et des rois, et, d'ordinaire, les papes ne s'en servaient que pour protéger l'opprimé et rétablir l'équilibre social souvent rompu par les passions et l'ambition des grands. A cette puissance morale et légale par la sanction universelle, la société et la liberté durent plusieurs fois leur salut. Cependant, quelques papes ont abusé de leur énorme pouvoir sur le monde chrétien; mais cet abus n'était pas inhérent à la papauté, il l'était uniquement à la nature de l'homme qui finit toujours par abuser, quelquefois même sans qu'il s'en aperçoive, du pouvoir dont il a longtemps joui. Et la papauté n'en reste pas moins aux yeux du monde éclairé, dans les pages de l'histoire, une grande et noble institution; elle n'en a pas moins sauvé la société dans ses plus mauvais jours. (Très-bien.)¹⁴⁸

COL. PRINCE wished an adjournment if the hon. member would suspend his remarks.¹⁴⁹

MR. CAUCHON would be glad to do so, as he was exhausted.¹⁵⁰

COL. PRINCE moved an adjournment.¹⁵¹

SIR A. MACNAB contended the motion was out of order and could not be put.¹⁵²

MR. J.S. MACDONALD the SPEAKER maintained it could.¹⁵³

MR. INSP. GEN. HINCKS and other gentlemen spoke of the inconvenience of the course of adjourning in the middle of a speech.¹⁵⁴

MR. CAUCHON said the objection would not have been made by Mr. Hincks had he (Mr. C.) been supporting one of his measures. This measure besides was a government measure, but taken up on a day which was not a government day.¹⁵⁵

SIR A. MACNAB dissented from the decision of the Speaker.¹⁵⁶

MR. J.S. MACDONALD the SPEAKER read a rule of the House which supported his view.¹⁵⁷

MR. AT. GEN. DRUMMOND said the bill was taken up to-night because the house desired it. It was a government measure, if that information would be interesting to the hon. member (Mr. Cauchon). He (Mr. D.) did not know whether

the hon. member was going to vote for the bill or against it.¹⁵⁸

Motion carried¹⁵⁹.

(570)

*On motion of Mr. Prince, seconded by Mr. LeBlanc,
Ordered, That the Debate be adjourned until To-morrow, and be then the
first Order of the day.*

Ordered, That the remaining Orders of the day be postponed until To-morrow.

*Then, on motion of Mr. Fortier, seconded by Mr. LeBlanc,
The House adjourned.*

APPENDIX: 9 MARCH 1853.

[WITHDRAWN MOTION RE: RESOLUTION FOR PAYMENT OF PETIT JURORS
L.C.]¹⁶⁰

MR. STUART moved a Committee of the Whole, for the consideration of a Resolution relative to the payment of Petit Jurors in Lower Canada.¹⁶¹

MR. AT. GEN. DRUMMOND said, that the Government would not pay their expenses out of the Consolidated fund, but were prepared to make provisions for their payment by the Municipalities.¹⁶² [He] said the object of this motion was provided for in the municipal bill; which the government proposed to pass and hoped the hon. gentleman would withdraw his motion.¹⁶³

Motion withdrawn.¹⁶⁴

[WITHDRAWN MOTION RE: CANAL TO CONNECT CHATS AND CHAUDIERE
LAKES.]¹⁶⁵

MR. EGAN moved for an address to His Excellency, relative to a Canal to connect the Chats and Chaudiere Lake[s] on the Ottawa River. He said, that if the place referred to was in any part of Upper Canada, the survey would have been made long ago.¹⁶⁶

MR. COM. PUB. WORKS CHABOT said a few words which did not reach the Reporter's box.¹⁶⁷

MR. YOUNG set forth the importance of the proposed canal to the people of the Ottawa.¹⁶⁸ [He] said, that the commerce of the Ottawa was rapidly increasing, and there was no means of communication between the interior and the outlet.¹⁶⁹

MR. EGAN said the interests of the Ottawa while among the most important of the province, had¹⁷⁰ always¹⁷¹ been entirely neglected by the government¹⁷² and as an instance he mentioned, that at one place there was only one lock wanted to render navigable 100 miles of water communication.¹⁷³

MR. INSP. GEN. HINCKS denied that the interests of the Ottawa had been neglected by the Government.¹⁷⁴ [He] said, that as had been stated by the Chief Commissioner of Public Works, two surveys had already been made, and the only question now was, whether the work should be done now or not. The hon. member for Ottawa had better withdraw his motion, with the assurance that the matter would be taken up in its proper course. He imagined that the motion had been made only with the idea of passing the matter on the Government.¹⁷⁵

MR. EGAN, as we understood, intimated that these surveys had been conducted improperly and from interested motives.¹⁷⁶

MR. INSP. GEN. HINCKS said that was a grave charge. The gravest that could be made against a professional man. He did not think it was well founded. He recommended the hon. member to withdraw his motion, and to leave the matter in the hands of the Government.¹⁷⁷

MR. ROBINSON spoke of the great necessity of taking some steps to open up the navigation of the Ottawa.¹⁷⁸

MESSRS. BADGLEY and MALLOCH ... [made] a few remarks¹⁷⁹.

The motion was withdrawn.¹⁸⁰

FOOTNOTES: 9 MARCH 1853.

1. This motion was noted in identical accounts by: MORNING CHRONICLE, 11 March 1853, and BRITISH COLONIST, 18 March 1853.
2. MORNING CHRONICLE, 11 March 1853.
3. IBID.
4. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 11 March 1853, PILOT, 15 March 1853, MONTREAL GAZETTE, 16 March 1853, BRITISH COLONIST, 18 March 1853, HAMILTON SPECTATOR DAILY, 18 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1853, HAMILTON SPECTATOR WEEKLY, 24 March 1853, and LA MINERVE, 15 March 1853. It was noted by GLOBE, 24 March 1853.
5. MORNING CHRONICLE, 11 March 1853.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. PILOT, 15 March 1853.
18. IBID.
19. MORNING CHRONICLE, 11 March 1853.
20. IBID.
21. IBID.
22. MORNING CHRONICLE, 11 March 1853, which commented that the remarks were "very pertinent."
23. MORNING CHRONICLE, 11 March 1853.
24. IBID.
25. IBID.
26. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 11 March 1853, MONTREAL GAZETTE, 16 March 1853, PILOT, 17 March 1853, BRITISH COLONIST, 18 March 1853, HAMILTON SPECTATOR DAILY, 18, 19 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1853, and HAMILTON SPECTATOR WEEKLY, 24 March 1853. The debate was also reported by: GLOBE, 22, 24, March 1853; LA MINERVE, 15 March 1853; and JOURNAL DE QUEBEC, 15, 17, 19 March 1853. It was noted in identical accounts by: HAMILTON SPECTATOR DAILY, 11 March 1853, and GLOBE, 12 March 1853. GLOBE, 24 March 1853, also noted it in a separate account.

The reconstruction of this day's debate on the Bill required unusual editorial techniques. Each of the two main speakers in the debate ran a newspaper, so the longest account of Mr. Brown's speech was in the GLOBE, and the longest account of M. Cauchon's speech was in the JOURNAL DE QUEBEC. Comparison with MORNING CHRONICLE account of the debates on this Bill indicates that the GLOBE and the JOURNAL DE QUEBEC revised the speeches of their editors, though likely little which was not said in the House was added to either account. Moreover, Mr. Brown's speech was given on the 8th and 9th of March and M. Cauchon's on the 9th and 10th, but neither paper gave any indication of what was said on which day in either speech. The GLOBE incorporated fragments of Mr. Brown's speech of the

9th into its account of his speech of the 8th (GLOBE, 22 March 1853) in order "to make the argument complete" (GLOBE, 24 March 1853). These fragments, where identifiable, have been restored to his speech of the 9th, using the order of his remarks as recorded in the MORNING CHRONICLE, 11 March 1853, as a guide. This redistribution is necessarily largely arbitrary. The GLOBE likewise incorporated M. Cauchon's remarks of the 9th into its report of the debate of the 10th "as though no interruption had taken place," a procedure followed by the JOURNAL DE QUEBEC, which reported the three days of debate without noting adjournments. The GLOBE and the MORNING CHRONICLE agreed on the order of M. Cauchon's remarks, but because of the cohesiveness of the JOURNAL DE QUEBEC's revision and because of its abridgement of M. Cauchon's remarks of the 10th, the changed order of remarks in the JOURNAL DE QUEBEC has been used as the basis of the reconstructed speech. The MORNING CHRONICLE accounts (MORNING CHRONICLE, 11, 14 March 1853) have been used as a guide in dividing M. Cauchon's speech between the 9th and 10th of March, but this division is also necessarily largely arbitrary.

27. GLOBE, 22 March 1853.
28. MORNING CHRONICLE, 11 March 1853.
29. GLOBE, 22 March 1853.
30. MORNING CHRONICLE, 11 March 1853.
31. GLOBE, 22 March 1853.
32. MORNING CHRONICLE, 11 March 1853.
33. GLOBE, 22 March 1853.
34. MORNING CHRONICLE, 11 March 1853.
35. IBID.
36. IBID.
37. GLOBE, 22 March 1853.
38. MORNING CHRONICLE, 11 March 1853.
39. GLOBE, 22 March 1853.
40. IBID.
41. MORNING CHRONICLE, 11 March 1853.
42. GLOBE, 22 March 1853.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. MORNING CHRONICLE, 11 March 1853.
48. GLOBE, 22 March 1853.
49. IBID.
50. MORNING CHRONICLE, 11 March 1853.
51. GLOBE, 22 March 1853.
52. MORNING CHRONICLE, 11 March 1853.
53. GLOBE, 22 March 1853.
54. MORNING CHRONICLE, 11 March 1853.
55. GLOBE, 22 March 1853.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. MORNING CHRONICLE, 11 March 1853.
62. IBID.
63. IBID.
64. JOURNAL DE QUEBEC, 17 March 1853. BRITISH COLONIST, 18 March 1853,

remarked that "Mr. Cauchon ... really looked portentous as he arose, with a lighted candle on his desk (although the light in the chamber from the gas is dazzling), and a whole stack of authorities before him."

65. GLOBE, 24 March 1853.
66. JOURNAL DE QUEBEC, 17 March 1853.
67. GLOBE, 24 March 1853.
68. JOURNAL DE QUEBEC, 17 March 1853.
69. GLOBE, 24 March 1853.
70. JOURNAL DE QUEBEC, 17 March 1853.
71. GLOBE, 24 March 1853.
72. JOURNAL DE QUEBEC, 17 March 1853.
73. MORNING CHRONICLE, 11 March 1853.
74. GLOBE, 24 March 1853.
75. JOURNAL DE QUEBEC, 17 March 1853.
76. MORNING CHRONICLE, 11 March 1853.
77. JOURNAL DE QUEBEC, 17 March 1853.
78. GLOBE, 24 March 1853.
79. JOURNAL DE QUEBEC, 17 March 1853.
80. GLOBE, 24 March 1853.
81. JOURNAL DE QUEBEC, 17 March 1853.
82. GLOBE, 24 March 1853.
83. JOURNAL DE QUEBEC, 17 March 1853.
84. GLOBE, 24 March 1853.
85. JOURNAL DE QUEBEC, 17 March 1853.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. GLOBE, 24 March 1853.
91. JOURNAL DE QUEBEC, 17 March 1853.
92. MORNING CHRONICLE, 11 March 1853.
93. JOURNAL DE QUEBEC, 17 March 1853.
94. MORNING CHRONICLE, 11 March 1853.
95. JOURNAL DE QUEBEC, 17 March 1853. MORNING CHRONICLE, 11 March 1853, noted,
"Here one or two ladies rose to leave the galleries."
96. MORNING CHRONICLE, 11 March 1853.
97. MORNING CHRONICLE, 11 March 1853. JOURNAL DE QUEBEC, 15 March 1853,
contained the following denial of this reported remark:
"Les rapporteurs de la presse anglaise de cette ville ont fait
dire à M. Cauchon qu'il avait dit [sic] 'que les prostituées de Londres
se recrutaient principalement parmi les filles irlandaises catholiques.'
"Il n'a rien dit, en n'a pu rien dire de semblable, mais il a dit:
'D'où viennent, où se recrutent d'ordinaire ces misérables créatures?
Je ne le dirai pas.'
"Il n'eût pu dire ce qui était contraire à la vérité et à l'histoire."
98. JOURNAL DE QUEBEC, 17 March 1853.
99. IBID.
100. IBID.
101. GLOBE, 24 March 1853.
102. JOURNAL DE QUEBEC, 17 March 1853.
103. IBID., 19 March 1853.
104. GLOBE, 24 March 1853.
105. JOURNAL DE QUEBEC, 19 March 1853.
106. GLOBE, 24 March 1853.
107. JOURNAL DE QUEBEC, 19 March 1853.

108. GLOBE, 24 March 1853.
109. JOURNAL DE QUEBEC, 19 March 1853.
110. GLOBE, 24 March 1853.
111. JOURNAL DE QUEBEC, 19 March 1853.
112. GLOBE, 24 March 1853.
113. JOURNAL DE QUEBEC, 19 March 1853.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. MORNING CHRONICLE, 11 March 1853.
119. JOURNAL DE QUEBEC, 19 March 1853.
120. IBID.
121. GLOBE, 24 March 1853.
122. MORNING CHRONICLE, 11 March 1853.
123. GLOBE, 24 March 1853.
124. MORNING CHRONICLE, 11 March 1853.
125. JOURNAL DE QUEBEC, 19 March 1853.
126. MORNING CHRONICLE, 11 March 1853.
127. JOURNAL DE QUEBEC, 19 March 1853.
128. GLOBE, 24 March 1853.
129. MORNING CHRONICLE, 11 March 1853.
130. JOURNAL DE QUEBEC, 19 March 1853.
131. IBID.
132. GLOBE, 24 March 1853.
133. JOURNAL DE QUEBEC, 19 March 1853.
134. GLOBE, 24 March 1853.
135. JOURNAL DE QUEBEC, 19 March 1853.
136. MORNING CHRONICLE, 11 March 1853.
137. JOURNAL DE QUEBEC, 19 March 1853.
138. GLOBE, 24 March 1853.
139. JOURNAL DE QUEBEC, 19 March 1853.
140. MORNING CHRONICLE, 11 March 1853.
141. GLOBE, 24 March 1853.
142. JOURNAL DE QUEBEC, 19 March 1853.
143. MORNING CHRONICLE, 11 March 1853.
144. JOURNAL DE QUEBEC, 19 March 1853.
145. MORNING CHRONICLE, 11 March 1853.
146. JOURNAL DE QUEBEC, 19 March 1853.
147. GLOBE, 24 March 1853.
148. JOURNAL DE QUEBEC, 19 March 1853.
149. MORNING CHRONICLE, 11 March 1853.
150. IBID.
151. IBID.
152. IBID.
153. IBID.
154. IBID.
155. IBID.
156. IBID.
157. IBID.
158. IBID.
159. IBID.
160. The following papers reported the exchange on this Withdrawn Motion in identical accounts: MORNING CHRONICLE, 11 March 1853, and BRITISH COLONIST, 18 March 1853. It was also reported by GLOBE, 24 March 1853.

161. MORNING CHRONICLE, 11 March 1853.
162. GLOBE, 24 March 1853.
163. MORNING CHRONICLE, 11 March 1853.
164. IBID.
165. The following papers reported the debate on this Withdrawn Motion in identical accounts: MORNING CHRONICLE, 11 March 1853, MONTREAL GAZETTE, 16 March 1853, and BRITISH COLONIST, 18 March 1853. The debate was also reported by GLOBE, 24 March 1853. It was noted by: HAMILTON SPECTATOR DAILY, 10 March 1853, and GLOBE, 12 March 1853.
166. GLOBE, 24 March 1853.
167. MORNING CHRONICLE, 11 March 1853.
168. IBID.
169. GLOBE, 24 March 1853.
170. MORNING CHRONICLE, 11 March 1853.
171. GLOBE, 24 March 1853.
172. MORNING CHRONICLE, 11 March 1853.
173. GLOBE, 24 March 1853.
174. MORNING CHRONICLE, 11 March 1853.
175. GLOBE, 24 March 1853.
176. MORNING CHRONICLE, 11 March 1853.
177. IBID.
178. GLOBE, 24 March 1853.
179. MORNING CHRONICLE, 11 March 1853.
180. IBID.

THURSDAY, 10 MARCH 1853.

(570)

THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Young,--The Petition of the Montreal and New York Railroad Company.

By Mr. Morrison,--The Petition of Joseph Clement and others, of the Township of Niagara; and the Petition of the Municipality of the Township of Niagara.

By Mr. Christie of Wentworth,--The Petition of the Municipality of the Village of Paris.

By the Honorable Mr. Badgley,--The Petition of the Right Reverend the Lord Bishop of Montreal, President of the Committee of the National School Society; and the Petition of Allan Macdonell and others, of the City of Toronto, and others.

By Mr. Dubord,--The Petition of Augustin Gauthier, Junior, Esquire, and others, of the City of Quebec.

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Pursuant to the Order of the day, the following Petitions were read:--

Of Joseph Gosselin and others, of the Parish of St. Laurent de l'Isle d'Orléans, County of Montmorency; praying for the incorporation of a Company to construct a Railway from Quebec and Montreal on the North Shore of the River St. Lawrence, and that the Provincial Guarantee may be extended thereto.

Of the Municipal Council of the United Counties of Northumberland and Durham; praying certain amendments to the Act 13 & 14 Vic. cap. 64, relating to Municipal Councils and Municipalities.

Of the President and Directors of the Cobourg and Peterborough Railway Company; praying for certain amendments to the Act incorporating the said Company.

Of Dunbar Ross, of the City of Quebec, Esquire, Advocate, a Petitioner against the Election and Return of John Greaves Clapham, Esquire, as Member for the County of Megantic; setting forth: That on the tenth day of November last the Select Committee previously appointed to try the several Election Petitions presented to the House against the Election and Return of John Greaves Clapham, Esquire, as Member for the said County of Megantic, was, by the previous decease of Hazard B. Terrill, Esquire, one of the Members of the said Select Committee, and the leave of absence granted by the House to Michel F. Valois, Esquire, another Member of the said Select Committee, reduced to the number of three; and that the said Select Committee was subsequently, to wit, on the sixteenth day of February last, unavoidably reduced to less than three Members, to wit, to the number of two, and did so continue reduced to the number of two for the space of three sitting days and upwards, to wit, from the said sixteenth day of February last to the twenty-eighth day of the same month of February, both days inclusive, by the unavoidable absence of Seneca Paige, Esquire, another Member of the Select Committee, caused by the severe indisposition of the said Seneca Paige, and consequent confinement to his house during ten days of the last mentioned period, as the same is more fully ascertained and established by the Affidavit of the said Seneca Paige, made and received before the House on the said twenty-eighth day of February last, and admitted and allowed as a cause of unavoidable absence on the part of the said Seneca Paige: That the Petitioner respectfully submits that by reason of the premises, and by force of the provisions of "The Election Petitions Act of 1851," the said Select Committee was and now is dissolved; and praying the House will be pleased to order and direct that the General Committee of Elections and the Members of the Chairmen's Panel, do meet as soon as conveniently may be for the purpose of appointing another Select Committee to try the said Election Petitions.

Of William Carling and others, of the Town of London; praying for the pass-

ing of an Act to vest in them a certain part of Church Street in the said Town.

Of the Mayor and Town Council of the Town of Bytown; praying that the said Town may be erected into a distinct Municipality, to be called "The City of Ottawa."

Of Josiah Strong and others, of the Township of Sandwich, County of Essex; praying that the said Township may be divided into two Municipalities, to be called respectively the Township of North Sandwich and the Township of South Sandwich.

Of the Municipality of the Township of Sandwich; praying that the Petition for the division of the said Township into two Municipalities may not be granted, but that the Town of Sandwich, with the Village of Windsor, may be set apart as a distinct Municipality, leaving the rural portion of the Township to form another distinct Municipality.

Of the Municipal Council of the Village of Christieville, in the Parish of St. Athanase; praying for aid to macadamize the Road leading from Cowansville in the Township of Dunham, passing through Farnham, Ste. Brigitte and St. Grégoire, to the Parish of St. Athanase on the River Richelieu.

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Of J.F. Sincennes and others, Proprietors of Steamers, Vessels and Crafts, domiciled at Sorel and at Berthier, and adjoining places; praying that the Act of the present Session relating to the improvement of the Montreal Harbour and the deepening of Lake St. Peter, may not be repealed or amended, and that no tonnage duty be levied on vessels drawing less than ten feet of water passing through Lake St. Peter.

Of John R. Lambly, of Leeds, Esquire, and others, of the Counties of Quebec and Megantic; praying for an Act of Incorporation to enable them to construct a Railway from near the station of the Québec and Richmond Railway in the Township of Nelson, County of Megantic, to a certain point on the River Thames, with a branch to the Court House or vicinity thereof in the Township of Leeds, and also to improve the navigation of the Rivers and Lakes in the said County of Megantic.

Of the Montreal Board of Trade; praying that the various provisions relative to the Commercial Policy of Canada set forth and prayed for by the Petition of Hugh Allan, Esquire, Chairman, on behalf of the Convention of Delegates of the Boards of Trade, presented this Session, may be adopted and carried into effect.

Of the Municipality of the Township of Humberstone; praying that the limits of the Municipality of the Village of Thorold may not be extended as petitioned for, and that no alteration be made in the Municipalities of the County of Welland.

Of the Municipality of the Township of Thorold; praying that the limits of the Municipality of the Village of Thorold may not be extended as petitioned for.

Of Henry McKenny and others, of the Town of Amherstburg; praying for the passing of the Bill now before the House to authorize the Municipal Council of the said Town to sell the site of the old Market in that Town.

On motion of Mr. Sicotte, seconded by Mr. Paige,

Ordered, That the Select Committee on the Megantic Election Petitions have leave to adjourn until Monday next.

Mr. Lemieux, from the Standing Committee on Standing Orders, presented to the House the Twenty-sixth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Richard Juson and others, for revival of the Act incorporating the Burlington Bay Dock and Shipbuilding Company,--and of Alexander Wilson and others, for a new survey of the sixth

and seventh Concessions of Onslow, and find that due Notice has been given.

On the Petition of the Trustees of the Mount Royal Cemetery Company, the Notices appear to be sufficient, excepting that required to be published at the Church door of the Parish; but Your Committee would beg permission to record their opinion, that this requirement of the 64th Rule was only intended to apply to Country Parishes.

On the Petition of John Willson and others, for an Act to revive and amend the Hamilton and Port Dover Railway Act, Your Committee find that Notice has appeared for upwards of two months in the Hamilton Spectator and the Hamilton Gazette, and also in the Canada Gazette; but a small portion of the proposed line runs through the Counties of Haldimand and Norfolk, and Notice does not appear to have been inserted in any papers published within those Counties. The proposed Road is however but a short one (36 miles), and it having been represented to Your Committee that the Hamilton papers circulate freely through that part of the Country, they therefore report the facts, leaving the question as to sufficiency of Notice to the decision of Your Honorable House.

The Petitions of the Archbishop of Quebec and others, for incorporation of the Catholic Institute of St. Roch,--and of the Niagara Harbour and Dock Company and Clarke Gumble, for an amendment of the Act of the present Session relating to the said Company, are not of such a nature as to require the publication of Notice.

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On motion of Sir Allan N. MacNab, seconded by Mr. Malloch,

Ordered, That the 64th and 65th Rules of this House be suspended as regards a Bill to incorporate the Hamilton and Port Dover Railway Company.

Ordered, That Mr. Street have leave to bring in a Bill to remove certain doubts existing as to the true meaning and effect of the sixth Section of an Act passed during the present Session, intituled, "An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara harbour and Dock Company.'"

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to amend the Act incorporating the Mount Royal Cemetery.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to incorporate the Hamilton and Port Dover Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

Ordered, That the Petition of O. Robitaille, Esquire, and others, of the City of Quebec, be printed for the use of the Members of this House.

Resolved, That the evidence, proofs, and documents on which is founded the Bill, intituled, "An Act to incorporate the Pickering Harbour and Road Joint Stock Company," be communicated by Message to the Legislative Council.

Ordered, That Mr. Wright of the East Riding of York do carry the said Message to the Legislative Council.

Ordered, That the Petition of the Honorable D. Mondelet and others, of

Three Rivers, be printed for the use of the Members of this House.

MR. EGAN¹ [moved] an Address ... to his Excellency, for a statement showing the amounts expended in surveying townships in the County of Ottawa, for the last ten years; the nature of each Surveyor, the amount paid each for the separate townships, the names of the said townships, the date of the instructions, and return of the same; also, the names of the Surveyors now employed in the County, as well as the townships being under survey, and the probable cost of the same, as well as any other sums expended in surveys during the above period, and to whom paid, and on what account; as well as a return of the number of settlers found in the said townships when the surveys were performed, and the return of the number of the settlers in each township, according to the last census. The hon. member stated that his principal object in moving this address was to call the attention of the Government to that part of the country which they had hitherto so much neglected, and to impress upon them the necessity of surveying and opening roads through the Ottawa country. He said that no moneys had been expended by the Government in surveys in the county.²

Some conversation [followed]³.

MR. H. SMITH said, that there were large tracts of land on the Ottawa on which improvements had been made, while the settlers upon them did not know where they were living, because no surveys had ever been made. He wanted to see all the country surveyed and opened up for settlement.⁴

MR. EGAN spoke in favour of the great resources of the Ottawa country and the small extent of improvement that had been made by the Government.⁵

MR. MERRITT said, that the lands set apart in that part of the Province for school purposes, had never paid the expenses of the surveys.⁶

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On motion of Mr. Egan, seconded by Mr. Stuart,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause the proper Officer to lay before this House, a Statement shewing the amounts expended in surveying Townships in the County of Ottawa for the last ten years; the name of each Surveyor, the amount paid each for the separate Townships, the names of the said Townships, and the date of the Instructions, and return of the same; also, the names of the Surveyors now employed in the County, as well as the Townships being under survey, and the probable cost of the same, as well as any other sums expended in Surveys during the above period, to whom paid, and on what account; as well as a Return of the number of Settlers found in the said Townships when the Surveys were performed, and the Return of the number of the Settlers in each Township according to the last Census.

*Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.*⁷

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an

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Address from the Legislative Assembly, dated the 9th of March, 1853, to His Excellency the Governor General, for a Report on a Railway Suspension Bridge proposed for crossing the River St. Lawrence at Quebec, made to His Worship the Mayor and the City Council of Quebec, by Edward William Serrell, Engineer, with the maps, plans, and estimates accompanying the same.

For the said Return, see Appendix (X.X.X.)

Ordered, That the Statement of the Affairs of the Ontario, Simcoe and Huron Railroad Union Company, laid before this House on the eighteenth day of February last, be printed for the use of the Members of this House.

The Order of the House of yesterday, for the attendance of Thomas C. Dixon, Esquire, in his place in this House, this day, being read:--And Mr. Dixon attending in his place;

Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That Thomas C. Dixon, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, and not having been present within one hour after the time appointed for the meeting of the Committee, yesterday, be taken into custody by the Serjeant-at-Arms attending this House, for such neglect of duty.

The Serjeant-at-Arms attending this House, informed the House, that he had taken Thomas C. Dixon, Esquire, into his custody.

Whereupon Sir Allan N. MacNab acquainted the House, that he was desired by Mr. Dixon to state, That the true cause of his absence, yesterday, from the Select Committee on the Megantic Election Petitions, was that he misapprehended the nature of the adjournment on Tuesday the 8th day of March instant, and did not suppose that after the said Committee had decided upon the first point submitted for its consideration, that it was required to meet again until other points for consideration had been laid before it; and the same having been verified upon Oath by Mr. Dixon;

Ordered, That Thomas C. Dixon, Esquire, be discharged out of custody.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have appointed the Honorable Mr. Boulton, in the place of the Honorable Mr. Fergusson, to act on the part of their House upon the Joint Committee on the Library.

And then he withdrew.

The Order of the day being read, for resuming the adjourned Debate upon the Amendment which was yesterday proposed to be made to the Question, That the Bill to provide a uniform mode of incorporating Societies formed for Charitable and Educational purposes, be now read a second time; and which Amendment was, That the word "now" be left out, and the words "this day three months" added at the end thereof;

And the Question on the Amendment being again proposed:--The House resumed the said adjourned Debate.⁸

MR. CAUCHON continued his speech, and recapitulated some of his positions of the previous evening.⁹ The institutions which are founded on the principles of Christianity were not, he thought he had sufficiently shown, the cause of poverty and misery in the countries where they exist. If they really were so, we must say that all that is good and noble in the world has the effect of demoralizing the people.¹⁰ If a want of self-confidence and energy was formed in any country, that could not be attributed to charitable institutions, that relieved the distresses of the poor man in the hour when he could not help himself; but to other causes.--Here the hon. member enlarged on some politico-economical causes of distress in nations, to the same effect as on the previous evening.¹¹ In France, demoralization and poverty had been caused by the great increase of the population. It was impossible that pauperism could be entirely done away with in any country. It might be the fault of a want of energy, but not of the institutions, which were devoted to aiding and supporting the labourer

when he could no longer, from age or infirmity, support himself. It was in some countries the case that the Government had found it necessary to concentrate all the power and industry of the people in their own hands to save the country. That had been done in France by Richelieu and to that policy the restoration of the monarchy was done; and the same policy had been pursued ever since by Napoleon and now by his namesake. The rule which had the effect of deadening the individual energies of the people was not found necessary in England, because she was surrounded by water and was in no danger from invasion. And in the United States the people were also safe from external danger, because the nations that surrounded them were weak but the time had been foreseen when in that country a greater centralization would be necessary and then a greater amount of pauperism would ensue. It was absurd to accuse their institutions of producing pauperism¹². Vous dites que nos institutions démoralisent notre peuple et qu'elles créent la misère et l'indigence. Mais elles sont le produit de l'amour, de cette loi qui commande à l'homme de secourir son frère. Elles n'engendrent pas la misère, elles naissent au contraire du besoin des sociétés, comme une providence pour en soulager les souffrances. (Très-bien.)

Quoi! vous dites que ces institutions démoralisent! J'en appelle à l'honorable député d'Essex qui les a visitées, et qui peut rendre témoignage à la vérité....¹³

COL. PRINCE, je le ferai.¹⁴

MR. CAUCHON.--Pour ma part, si dans l'infortune, dans le délaissement, sans amis, sans parents, couché sur un lit de douleur, je voyais arriver jusqu'à moi des êtres humains, me prodiguant des secours, des remèdes, me consolant, m'encourageant, me veillant, le jour la nuit toujours avec le même empressement, toujours avec la même sérénité de visage, toujours avec la même douceur de langage, sans espérance de récompense, mais par la seule impulsion de la charité et uniquement pour obéir à celui qui a commandé d'aimer, serai-je tenté d'accuser ces nobles créatures d'êtres [sic] démoralisatrices, ces institutions où elles puisent leur sublime dévouement et cet héroïsme qui les conduisait à la mort en 1847. (Très-bien.)¹⁵ The hon. member for Kent had said that there were 10 millions of acres in the possession of¹⁶ the Charitable Corporations of France¹⁷ but he defied him to prove that such was the case, and the assertion only showed his ignorance of the real state of the case.¹⁸ He had said their seignories covered that space, and that shewed he did not understand anything about the Seigniorial Tenure. The Seignior had no property in the soil; but only one of cens et rentes. And it was ridiculous and unfair to contend that the Seigniors were the owners of the soil of their Seignories.¹⁹ Nineteen-twentieths of the land had been conceded, and so far from the censitaires being under the oppression and influence of the seigniors, in many places the seigniors at an election had no chance with a common censitaire. It was generally acknowledged that these institutions, where they had seignories, treated their censitaires better than other seigniors, and if all seigniors had been as kind to their censitaires as these institutions, the cry for the abolishment of the seigniorial tenure would never have been heard. Instead of being cried down their institutions should be supported because they were founded on the great principle of love, and so long as they were of the use that they really were, they should not be put down²⁰. Laissez nous donc jouir en paix de nos institutions, puisque nous les aimons, pourvu que nous ne vous les imposions pas, et laissez-nous notre état, où jusqu'ici notre peuple a trouvé le bonheur. Vous ne les comprenez pas, vous ne les aimez pas, c'est bien; mais nous, nous les comprenons et les aimons, parce que jusqu'ici elles ne nous ont fait que du bien. Si jamais elles produisent les effets désastreux [sic] que vous leur croyez, il sera temps alors de les faire disparaître; mais jusque là laissez-nous en paix, dans la jouissance de ce que nous aimons. (Ecoutez.)

Mais j'ai assez parlé sur ce point, et en terminant, je désire répéter le regret que j'éprouve à parler sur un pareil sujet, et le désir sincère, ardent de n'y être plus entraîné. (Très-bien.)

Maintenant, je dirai en peu de mots la raison de mon vote, car je vote contre le bill de l'honorable procureur-général. (Ecoutez.)

Je vote contre ce bill, d'abord, parce qu'il est propre à multiplier à l'infini des corporations de tout genre et de tout but²¹. He was opposed to the bill, as he had stated before²², parce que dans l'intérêt de la société, il est mieux que les actes d'incorporations soient discutés un à un, et isolément, pour se soutenir ou pour tomber, suivant qu'ils seront bons ou mauvais, utiles ou inutiles, avantageux ou dangereux. Autant je suis pour les institutions utiles, autant je combattrais la création de corporations sans but et sans utilité.²³ He thought, however, that such a measure as this was a most dangerous one²⁴. It was better to incorporate every Society upon a demand to the Legislature than to give power to any five persons to become a Corporation. Such a margin was dangerous, and there could be no guarantee against immoral persons forming themselves into Corporations for pernicious objects.²⁵

Mais je vote surtout contre le bill, à cause des circonstances dans lesquelles il a été soumis à la chambre.

C'est le bill d'incorporation des dames charitables de la Malbaie qui lui a donné naissance; c'est à la suite des débats sur cette mesure, que le gouvernement annonça un projet de loi générale; c'est parce que les institutions du Bas-Canada répugnent à certains députés du Haut-Canada ou à leur électeurs, que le ministère veut par une pareille mesure les soustraire à leurs yeux et les soustraire eux-mêmes aux conséquences de leurs votes.²⁶ He felt humiliated, when he saw this bill of the Attorney General. It seemed to him as if the French members of the ministry were afraid of Upper Canada opposition from the Clear Grits.--Such a bill as that shewed him that they were afraid to stand up day after day, and defend incorporations one after another as they were asked for.²⁷

Donc le Bas-Canada, sous l'ordre de choses nouveau, aura honte de dire ce qu'il est, de demander ce qu'il veut, ce qu'il aime, parce que ce qu'il veut, ce qu'il aime, les clear-grits ne le veulent pas, ne l'aiment pas! C'est une condition dégragante [*sic*] à laquelle je ne consentirai jamais tant que j'aurai siége dans cette chambre. Je ne veux pas humilier mes compatriotes, je veux qu'il aient le courage d'affirmer ce qu'ils sont et de combattre leurs adversaires, s'ils doivent avoir des adversaires.²⁸ He was sorry that he was obliged to vote against this bill, but he hoped that he should not stand alone, and that other members who supported their institutions would not vote for this measure because they were afraid of having to stand up and defend them every day. For his part he would stand by these institutions as long as he thought they were for the good of the country. If other members were afraid to fight the battle daily, it seemed as though they mistrusted their cause. He did not accuse the administration of any wrong intention in bringing in this bill, but he thought the result of such a measure would be disastrous for Lower Canada. Was it to be said that because there were a few men in Upper Canada who did not like their institutions, the members for Lower Canada were afraid to uphold them? For his part he (Mr. Cauchon) would be ashamed to be a representative of the people of Lower Canada if he was afraid to stand up for what he believed to be good. He hoped that he should not stand alone but that there would be other men in the Assembly who would not abandon the noble position which they had hitherto sustained. They had suffered long enough, to obtain freedom for their own institutions, and for their own feelings, and they would not abandon them now that they had gained them.²⁹

Vous cédez aujourd'hui devant la crainte, sur cette question, demain ce sera pour un autre motif, et bientôt le Bas-Canada suivra la loi universelle de la peur et de la dégradation. (Ecoutez.)³⁰ To yield to that fear was to

place himself in a position of slavery. That he would never do, and he hoped his fellow countrymen would never do so. He hoped for that reason his fellow countrymen would have sufficient courage to throw out this bill. He was sorry he could not support the government in this matter, but his duty he felt was clear.³¹ He had no feeling about the matter; he only wished to reserve for himself the right of discussing these measures that he might reject what was bad while he would stand by all that he approved of.³²

MR. INSP. GEN. HINCKS desired to recall the attention of the house to the subject under consideration--the bill then before them. He very much regretted that during the last two evenings the time of the House had been occupied with long speeches for and against certain institutions of this country. Two hon. gentlemen the members for Kent and Montmorenci had a regular field-day of it, as it was understood that the latter was preparing to reply to the former.³³ The course of the hon. member for Montmorency he did not doubt was adopted from sincere conviction. But it was a singular coincidence that the hon. member for Montmorency was found supporting the hon. member for Kent. He professed to differ in opinion, but nevertheless he supported him.³⁴ He could not help feeling that the hon. member for Montmorenci had, to a considerable extent, promoted the object of the hon. member for Kent. Every one, he said, fully understands the position of the hon. member for Kent. That gentleman³⁵ had set out to run a course of agitation as the peculiar champion of Protestantism³⁶ and does everything that he can to maintain himself in that position. Now, although he (Mr. Hincks) could not find any fault with the course taken by the hon. member for Montmorenci, it would, he thought, have come with a better effect from him if he had allowed the speech of the hon. member for Kent to pass without notice.³⁷ He (Mr. H.) did not believe the extreme views of the hon. member found much sympathy in Upper Canada³⁸ or ... the country generally³⁹--not so much as he himself supposed--nor did he find much support in that House.⁴⁰ This coincidence of opinion between the two hon. members was a most extraordinary thing, and it would be trumpeted aloud from one end of the Province to the other, that the ministry are bound to support the people of Lower Canada on every occasion. (Hear, hear.) The member for Montmorenci tells the House that the Ministry have succumbed to the wishes of the Upper Canada members, and that the Lower Canada members have not come to the defence of their principles and institutions. If it is true that the Lower Canada members have at the instance of their Upper Canadian colleagues refused to accept a proposition intended to conciliate them, it must be confessed that the Government have made a most lamentable failure. The member for Kent opposed the bill on one ground, and the member for Montmorenci in another, and although they were so opposite in their opinions they would be found voting together.⁴¹ They both possessed peculiar advantages in having newspapers to set forth their opinions to the public, and they had both industriously tried to circulate the report, that there were divisions in the government and distrust of it in the House; and that the country was dissatisfied.⁴² Certainly it would appear that the attempt of the Government in this instance would be a miserable failure.⁴³

MR. BROWN: The usual result of attempting to please both parties.⁴⁴

MR. INSP. GEN. HINCKS: It is perfectly well known that this measure has been a subject of consideration during every session for many years, and from the opinions that had been expressed, it had been said that such a measure would be found acceptable. The member for Kent acknowledges that his object was to prevent the measure from going on.⁴⁵

MR. BROWN said, that he only wished to fix proper restrictions.⁴⁶

MR. INSP. GEN. HINCKS continued to contend that the position of Messrs.

Cauchon and Brown was anomalous. He went on to defend the principle of a general bill for establishing incorporations on the same ground assumed by Mr. Drummond in his speech on the motion for the second reading of the bill. He said there was not a disposition in this country to carry these corporations to excess⁴⁷. [He] could not see, why any difference should be made between religious and benevolent corporations, and corporations for the construction of Railroads and Plank roads, and they had given the same facilities to the latter, that they now proposed to give by this bill to the former. As to the objections of the hon. member for Kent, he did not think that there had been any intention manifested by any of these institutions to acquire large landed estates--and on the contrary, they had invested much of their property in public stocks and other securities of that kind.⁴⁸ The hon. member for Kent had no ground for his assertion that 10,000,000 acres were locked up in charitable corporations. He had shewn himself not acquainted with the Seigniorial tenure, in his explanatory remarks, after being interrupted⁴⁹, for if he had known the real state of the case, he would not have made the observations that he did. The people of Lower Canada had not suffered in any way from the land being in the hands of these institutions--on the contrary, corporations of this kind had been quite as liberal as any other kind of proprietors. He did not believe that these very corporations, even the wealthiest of them, the Seminary of St. Sulpice, had even shown a desire to lock up their endowments in real estate--on the contrary, the latter had invested its property in public stocks, and had laid out a large portion of it in Railway undertakings and other securities of a similar kind; the tendency has not been to lock up their funds. There is a very great reason why, in both Provinces, corporations of this kind should be allowed to hold real estate, because they will be supported to a considerable extent by donations of land as being the most convenient form in which they could be made. In Lower Canada very large bequests have been made in land, which was one of the objections taken to the bill by the hon. member for Kent, and one of the things which he wished to prevent. He (Mr. Hincks) was free to admit that he did not share in the alarm which the hon. gentleman entertains of the extent of these institutions in either Province. He should be very sorry that any means should be taken to prevent grants being made to them--none of these would be so large that any fear need be entertained on the subject.⁵⁰ The Inspector General next replied to the objections of Mr. Cauchon to the bill. The principal of these, he stated, seemed to be a desire of the hon. member for Montmorenci to have⁵¹ a field-day between himself and the hon. member for Kent, whenever⁵² an incorporation was wanted. He was amused to see the way in which the honble. member for Montmorenci bristled up during the speech of the hon. member for Kent, and send [*sic*] challenges across the House. But he (Mr. H.) did not think that kind of display was at all necessary.⁵³ He (Mr. Hincks) desired that all that kind of discussion should be avoided, and he therefore thought that it would be better that they should agree on some general Act of Incorporation which would prevent the necessity of special acts for every incorporation.⁵⁴ He did not farther think that there needed to be any of the jealousy which the hon. member for Montmorency had alluded to, because of a general bill instead of particular ones. He believed a general bill was far the best, as being the simplest and the least liable to swell the volume of the statute book. He did not think evil could result from it.⁵⁵ He did not think that if an hospital was wanted at Bytown or Kingston--or a House of Industry at Toronto, or anywhere else, it should be necessary to come to the House for an Act of Incorporation.⁵⁶

DR. LATERRIERE.--Le député de Kent, (M. Brown) pour lequel, après tout, j'ai beaucoup d'estime personnelle, a montré peu de gratitude au cabinet pour le remercier d'avoir introduit le présent bill, et cela à ses sollicitations,

et qu'il oppose aujourd'hui avec une grande hostilité. Mais l'honorable membre ne cherchait qu'un prétexte pour décharger sa bile, et lancer ses fusées contre les institutions catholiques. Il a fait une revue, une peinture horrible du pape et des prêtres entourant les lits des mourants pour leur extorquer des dons en faveur des institutions catholiques, au moyen des [sic] menaces du purgatoire et de l'enfer. Fatigué, sous l'influence d'un horrible cauchemar, l'honorable membre a, pendant deux séances, entassé, comme un autre Titan, ses autorités pour culbuter le catholicisme et ses institutions, et cela avec une telle violence, que j'ai craint pendant tout le temps que le volcan créé par l'honorable membre, n'engloutit dans sa lave cette chambre et tous ses membres catholiques.

J'espère que ses convulsions sont finies, et que la puissante et irrésistible dose de spécifique anti-spasmodique et anti-catholique que l'honorable député de Montmorency lui a administrée avec tant de succès, nous épargnera une recrudescence, pendant le reste de la session, des dégoûtantes attaques d'épilepsie de l'honorable député de Kent. Je plains sincèrement cet honorable membre d'être affecté de ce mal incurable, l'hypocondrie, maladie imaginaire contre laquelle il n'y a point de remède absolu. Un jour, il s'imaginera que le diable, sous la forme d'un prêtre, occupe la région de sa rate. Il faudra bien pourtant qu'il s'en débarrasse. Alors il demandera à la législature de passer une loi pour le délivrer de la foule de fantômes qui l'oppressent; et la législature qui est toute-puissante, se rendra à la demande de l'honorable membre.

En lui donnant cet avis en badinant, je le fais avec toute la déférence possible pour ses talents supérieurs. Je le prie, je le conjure d'employer ces talents dans un but plus utile, et alors il recevra l'approbation de tous les partis.

Maintenant, M. l'orateur, je passe au bill de M. le procureur-général. Mes raisons pour m'opposer à cette mesure, sont que je ne vois pas pourquoi nous ferions de l'économie en passant le présent acte. Cela augmenterait considérablement la besogne du secrétaire-provincial. Frais de publication dans les gazettes; honoraires à payer aux registrateurs; correspondances avec le secrétaire provincial pour faire confirmer par le gouverneur des règlements ressortant de leurs transactions, et qui de fait, en raison de ces formalités inutiles, pourraient en arrêter ou nullifier les opérations. Troubles pour la plupart de ces sociétés de faire des rapports annuels que personne ne regarde. L'administration a bien assez de besogne d'une autre importance, sans être chargée de la responsabilité d'avoir l'oeil à la formation de toutes ces corporations (sans mettre en ligne de compte un nouveau genre de patronage, de centralisation). Pourquoi, en un mot, cette déviation dans notre mode de transaction législatif à ce sujet? Serait-ce parce qu'il aurait plu à quelques sectaires intolérants de crier contre les institutions religieuses de cette province?⁵⁷

MR. SICOTTE (in French)⁵⁸:--Je regrette de ne pouvoir donner mon assentiment à la loi. Si mon opinion n'eût pas été aussi fortement arrêtée, les motifs donnés par l'honorable membre pour Kent auraient pu me faire hésiter dans ma conviction sur les tendances et les vices de la mesure. J'oppose la loi pour des raisons entièrement différentes de celles exposées par le membre pour Kent.

La loi est mauvaise à raison de son universalité. Elle n'est pas analogue en principe aux lois sur lesquelles on nous a dit qu'elle était calquée. Aucune des associations incorporées par des lois générales dans les Etats-Unis, ne l'ont été pour des objets aussi peu définis et aussi hétérogènes. La loi classe dans la même catégorie, les églises, les prisons, les asiles pour les insensés et les jeunes délinquants. La loi de l'Etat de New-York n'est pas rognée et décousue comme celle-ci. On a limité l'objet qu'on avait en vue par des appellations précises et définies. Celle du New-Hampshire est

spécialement limitée à la prédication de la parole de Dieu. On s'est bien donné garde de légaliser à l'avance comme religion et église, toutes les absurdités du fanatisme ou de la folie, et de donner de par la loi le droit d'ériger des maisons de culte public, à toutes les sectes que le cerveau malade de quelques hommes pourrait produire.

L'étude attentive de la législation des Etats-Unis, fait voir le peu d'analogie entre ces lois et celle qui est sous discussion.

Là, il y a une loi générale sur les associations. La responsabilité et les devoirs des administrateurs sont déterminés. Ici, nous n'avons point de lois générales sur cette matière.

Les tendances de la loi étaient de légaliser l'indifférence religieuse; elle reconnaissait comme également bonnes toutes les croyances possibles. Elle consacrait, comme un principe, dans notre législation, que la moralité des croyances est chose indifférente pour l'état. Les conséquences de la loi conduisaient logiquement à l'athéisme. Elle reconnaissait, comme le meilleur, le système volontaire, et la soumission de la raison commune au profit de l'individu. Ce principe pouvait être bon pour des protestants; mais s'il devait être introduit dans notre législation, il aurait dû l'être par l'honorable commissaire des terres, qui nous déclarait, au commencement de la session, dans des paroles bien dites: que si la gloire du catholicisme était de se glorifier dans son unité, la gloire du protestantisme était dans ses diversités! L'honorable procureur-général semble vouloir engager les catholiques à se glorifier également dans cette diversité.

Une autre objection que j'ai contre la loi, c'est qu'elle traite la maison de Dieu, catholique ou protestante, avec pas plus de respect que toute autre institution. Elle places les associations pour la construction des églises, des prisons pour les jeunes délinquants, et des maisons d'industrie, sur le même pied.⁵⁹ A church, a prison, a female Penitentiary, or a house of Refuge was to be built exactly in the same way.⁶⁰ Ces choses ont des objets entièrement séparés et distincts; et pourquoi l'église serait-elle rabaissée au niveau d'une industrie ou d'un asile pour les jeunes et autres délinquants?

La partie de la loi qui a rapport à la construction des églises et presbytères, déroge sans utilité, à la loi commune. Si on n'a pas voulu changer et déroger à ces lois, pourquoi cette législation? Par nos lois en force, le consentement de l'Evêque est nécessaire pour l'érection d'une église catholique⁶¹ as was reasonable, at least to Catholics⁶²; et cela a été justement déterminé par les conciles, pour empêcher des constructions trop nombreuses. Quoique le bill déclare que les sociétaires ne pourront faire aucuns règlements incompatibles avec les lois, cela ne préviendra pas la construction des églises sans la sanction des Evêques. C'est donner occasion à des divisions dans les paroisses où la minorité se croira lésée; c'est un moyen de mettre sous le contrôle de personnes hostiles au catholicisme, des églises érigées par des catholiques mécontents. Si l'Evêque a donné son consentement à une construction d'église sous l'empire de cette loi, les règlements nécessaires pour son administration seront soumis au contrôle du gouvernement.

Le pays est satisfait des arrangements actuels; pourquoi les changer? Est-ce la population catholique qui vous presse et vous demande de les modifier? Non. Mais cédant à des hommes intolérants, plutôt par la crainte des préjugés de leurs constituants que par conviction, vous avez consenti à déclarer, pour appaiser des hommes qui s'effrayeraient de Dieu, s'ils le croyaient catholique, que la législature ne doit plus s'occuper des moyens de promouvoir les intérêts religieux et d'enseignement de la portion catholique du pays; que la législation qui s'occupait de l'éducation et de la moralité de la population catholique était une législation oiseuse, et qui retardait les intérêts matériels et industriels.

La loi est vicieuse dans ses détails comme dans son principe. Elle est

née d'une mauvaise cause, et les résultats doivent être mauvais. Elle a été probablement rédigée à la hâte pour faire taire les criaileries de quelques-uns. Autrement, l'honorable procureur-général, dont je reconnais la capacité, n'aurait jamais soumis un projet de loi aussi imparfait.

Il est absurde de donner à tout individu le droit de construire des maisons, qui de fait seraient des prisons, sans faire en même temps des règlements pour leur direction, et sans assurer le contrôle de l'autorité publique sur des institutions de cette nature. Partout on a considéré que l'administration des prisons appartenait à l'état seul. Avec la loi, telle qu'elle est rédigée, comment arriver à la connaissance des personnes classées dans la catégorie des jeunes et autres délinquants? Le mot autres laissera souvent le juge dans l'embarras; et il sera peut-être difficile de donner une interprétation bien définie à ces mots: ou de toute autre maison d'industrie.

Toutes les législatures ont considéré sage de s'enquérir de la moralité des fondateurs de toute institution et de leurs moyens d'exécution, avant de leur accorder des chartes d'incorporation. Il n'y a dans la loi, aucune clause qui permettra de s'enquérir de la moralité des fondateurs et de la moralité même du but de leur association. L'intervention du pouvoir ne commence qu'après la création et la légalisation de la société. Sous ce rapport, la loi de l'état de New-York est bien différente. Là, l'approbation d'un des juges de la cour supérieure est nécessaire, et aucune publicité n'est donnée, qu'après avoir obtenu l'assentiment du pouvoir le plus impartial et le plus indépendant de tous les pouvoirs de la république. L'autorité judiciaire demeure chargée de la surveillance de ces associations. La seule garantie offerte par ce bill est la surveillance laissée à l'administration sur les règlements qui doivent lui être soumis. Et par là, l'élément religieux est mis en contact et dominé par la raison politique, et soumis aux bascules et aux oscillations du système gouvernemental.

Cette absence de toute garantie, quant à la moralité de ces institutions, est la reconnaissance légale de toutes les croyances possibles. Les Mormons pourront avoir leur saint temple, les Fourriéristes leurs phalanstères, comme les Turcs leurs mosquées.

Il y a une grande différence entre tolérer les sectes, et leur donner une existence légale en les reconnaissant comme institution. La société ne doit pas aller au devant des faits dans la législation sur ces matières, mais elle doit attendre les éventualités, et non pas sanctionner d'avance, par une mesure législative aussi générale, toutes les croyances possibles.

Votre loi n'atteindra pas le but proposé! Quoique vous donniez à ces institutions une latitude d'initiative aussi considérable, vous les assujétissez à un contrôle injuste au profit du pouvoir. Votre but, dites-vous, est de séparer la religion de l'état. Alors, pourquoi forcer l'état d'intervenir directement dans l'organisation des différentes sociétés religieuses? Aujourd'hui, il n'exerce aucun contrôle direct sur l'administration des institutions religieuses et d'enseignement.

Supposez une administration où l'élément religieux qui a commandé cette loi soit dominant; croyez-vous qu'il donnera sa sanction aux règlements nécessaires au fonctionnement des institutions catholiques?⁶³ Would it sanction readily the by-laws of a Catholic College⁶⁴? Tout homme impartial doit s'avouer que sa raison lui dit non. Supposez le cas contraire; croyez-vous que le même élément religieux [sic] vous laissera sanctionner tous ses règlements, sans nous attaquer incessamment, sans nous dénoncer comme asservis à la secte qu'il veut détruire? Je préfère le système actuel. Dans ce pays où les races et les religions sont diverses, nous avons jusqu'à présent vécu, sous ce rapport, dans une vraie fraternité, sans jamais nous demander compte de nos opinions religieuses, et laissant à chaque croyance son gouvernement particulier, octroyé sur l'exposé de ses doctrines et de ses besoins.⁶⁵

MR. TURCOTTE (in French)⁶⁶:--Je dois faire à M. Cauchon mes félicitations les plus sincères de la manière habile avec laquelle il a défendu le catholicisme et ses institutions contre les attaques non provoquées de M. Brown. Le discours que M. Cauchon vient de prononcer est admirable; il a dû lui coûter beaucoup de travail. Mes félicitations ne doivent pas être suspectes, parce que cette chambre sait que je ne suis pas dans l'habitude de louer le député de Montmorency; mais malheureusement je ne puis en accepter la conclusion: celle de voter contre le bill. Rien de plus ridicule que l'idée de M. Sicotte que ce bill a quelque tendance à introduire parmi nous l'indifférence religieuse, le mormonisme ou le mahométisme.⁶⁷ If they came here then let the battle commence; it would be true enough. In the meantime the bill provided not for Mormons or Turks; but for the promotion of charity of all religions. Surely the hon. member for St. Hyacinthe [sic] could not be serious. Since the hon. member had the bad opinion he had expressed of the principle of the bill, he of course must vote against it; but otherwise it would have been easy to change the clause which obliged the by-laws to be submitted to the Bishop, or again to place the whole under the authority of the Queen's Bench. He denied [sic] that anything in this law would enable churches to be improperly constructed by corporations. If a Catholic church were thus constructed, it would be no use without the Bishop; if it were a Protestant church let it be built.⁶⁸

MR. SICOTTE only contended that the law was useless to Catholics.⁶⁹

MR. TURCOTTE, in French.--Well if it were useless to Catholics for churches, it need not be useless to them for libraries, Mechanic's Institutes, &c. The bill was most desirable to prevent those religious discussions, which the member for Kent excited, not for piety but for political reasons, and which the hon. member for Montmorency combatted for similar reasons. The latter hon. member was not yet decided in favour of a repeal of the union; let him therefore try to make the union as happy as possible by avoiding such unpleasant discussions as had lately taken place, and which some persons seemed to choose to have constantly renewed. If the law should turn out to be bad, the same strong law would be there to repeal it and keep out the mormons, which might prevent any individual act of incorporation from passing. And if corporations actually existing abused their power, they might be made to forfeit their charter under the provisions of the 2 Vic.⁷⁰

MR. LEBLANC [spoke] in a very low tone of voice.⁷¹

COL. PRINCE expressed his approbation of the bill, on account of its getting rid of heartburnings caused by debates upon individual acts of incorporations. He pronounced Mr. Cauchon's speech one of the best he ever heard, and accepted as a compliment the fact of its being delivered in English. He denied what Mr. Brown said of the opposition in Upper Canada to the bill, and then proceeded to declare his opinion that the French Canadians were more virtuous than the Upper Canadians, according to his experience in his own county. Colleges and other institutions in England and elsewhere incorporated and were rich, and this bill gave no exclusive privileges to Catholic over Protestant institutions.⁷² Je suis en faveur du bill qui aura pour résultat d'empêcher le renouvellement de discussions brûlantes. Je ne puis en terminant m'empêcher de donner aux institutions catholiques du Bas-Canada, le tribut de louanges qu'elles méritent à si juste titre.⁷³ He ended with a warm eulogium on the Catholic institutions of Lower Canada, especially of the Hotel Dieu, where he had lately seen the venerable old man who used to keep the door of that House (Mr. Cameron) and who, strict Protestant though he was, overflowed in thanks to the sisters of that convent.⁷⁴

MR. COM. PUB. WORKS CHABOT censured Mr. Brown for his insults on the Cath-

olic Church, which he said did more discredit to his own faith [than] to that he attacked. He was an example of effrontery scarcely to be excused by ignorance to say that the religious corporations had 10,000,000 acres of land. Nor had the committee in general received any property from the crown; but obtained their property by private gifts. As to the seignior, it would have been well if the communities had possessed the whole, and there would then never have been any of the complaints against the seigniorial tenure, for they were always seigniors, who adhered to the old law. The hon. member for Kent did not want, he said, to prevent these institutions from being established, but he did want to have these questions brought up six or seven times each session. He and the hon. member for Montmorenci were both preux chevalier never so happy as when they were breaking a lance, each for his own fancy. The socialists had been long ago introduced to frighten the House by the hon. member for Montmorenci; more lately the hon. member for Kent had made a similar use of the Catholics and had thus done his best to excite new terror; and that very evening the hon. member for St. Hyacinthe had brought forward some additional scare-crows in the shape of a Turk or two and as many mormons. All these fears he thought very vain; the new law would do no one any mischief--would not even take the churches and Presbyteries from the control of the Bishops. If there were details to be changed that might be done in committee; but the principle of the measure was good, and as to the objects for which the corporations might be formed, they were clearly stated in the bill to be benevolent ones and not immoral ones. He regretted the change in the habits of tolerance which has hitherto prevailed in Lower Canada, and which change had been introduced by the hon. member for Kent, and his discussions more or less fanatical; more or less lying; more or less malicious. He might retort upon that member by citing insults directed against the Protestant religion; but he believed the best answer he could return would be to treat the hon. member with absolute contempt.⁷⁵

MR. AT. GEN. DRUMMOND when he introduced this bill was far from intending that it should be the means of producing discord. He wished to prevent all discussion of religious subjects, and he was sorry to see the matter discussed in the manner in which it had been. It was very wrong for any hon. gentleman to discuss the various creeds which other hon. gentlemen professed. The great majority of them would feel that it was an insult for any man to ask him as to the manner in which he worshipped his Maker. They would all have to render an account hereafter, but they had no account to render to any man here. It was with a hope of preventing all discussions of this kind that he had brought this bill before the House, not expecting that any opposition would be made to it.⁷⁶ He had been accused of bringing this bill forward from motives of fear.⁷⁷ It was from no feeling of apprehension that he had thought proper to introduce this measure. There was one kind of fear only that could influence him, and that was the fear of seeing this country split up and divided by disputes on religious subjects⁷⁸ into different sects, each one arrayed in deadly hostility against the other. He felt strongly as an Irish Catholic these assaults on his Church; but he did not feel as a fanatic. What he did feel he repeated was that the hostility of Churches had been the great curse of Ireland⁷⁹ [and] had done mischief ... that he wanted to avoid ... in this country,⁸⁰ and that every man ought to be allowed to worship God in his own manner uncontrolled by any external interest.⁸¹ He was attacked, but that was an attack he was quite willing to bear.⁸² Je ne dis pas que ma religion est supérieure à une autre, mais je dirai à l'honorable membre:

Vas, ne crains pas que je la sacrifie

Ni devant les dédains, ni devant l'ironie.⁸³

This bill was introduced, the hon. gentleman continued, in the first place

with the design of carrying out the desire he felt of simplifying as much as possible the acts upon the statute book, and secondly with a desire of giving acts of incorporation to all who desired them for useful and benevolent purposes.⁸⁴ Now the magnificent mind of the hon. member for St. Hyacinthe might perhaps by a longing after mystery, find something very extraordinary and very occult in the effect of this law; but a common mind could see nothing more in an act of incorporation than an act to enable many individuals to do that which one man could do without this law.⁸⁵ There were some men afraid of the very word corporation--afraid to give to a corporation the power enjoyed by every individual.⁸⁶ There was a general law to enable men to associate themselves to build plank roads, there was another to enable persons to carry on manufactories and mining operations⁸⁷. It having been admitted that it is expedient that all persons intending to enter upon manufacturing pursuits should be incorporated, it seemed to him that any set of men desirous of establishing a library or orphan asylum should be incorporated also, and he felt that it was a very hard thing that any persons with these intentions should be compelled to come to the House whenever they wanted to get an Act of incorporation.⁸⁸ The hon. member then referred to a lawsuit, in which there were so many parties that the constant change of condition of some of them, was always preventing the process from going on. He conceived that if they could have incorporated themselves this inconvenience would be obviated. In addition to cases of this kind, he desired to get rid of the trouble of constantly passing acts for every body which desired incorporation⁸⁹. He also wanted to put an end to the discussions that each of these bills gave rise to. It was for these reasons that the Government had determined to introduce a bill similar to that which existed in other countries for the purpose of incorporating all these societies. The common law of the land affords some recourse against corporations departing from the objects for which they were established. Such was the law in Lower Canada, and there was, he said, a law in Upper Canada to the same effect. Indeed, the law in Lower Canada was very stringent with regard to these corporations; and any person could bring an action against any of these bodies which had not carried out, or had gone beyond the objects of their incorporation, and when such an action was brought it could not be delayed. Provision is made that in the case of a corporation being guilty of a dereliction of its charter, it is broken up, and every member is liable to a fine of £100. He thought therefore, that he had not brought in this bill without having some security that its provisions would be observed. He said then, that in introducing a measure of this kind we were not bound to go beyond any law, although he believed that by a careful comparison of this law with any similar one in the United States, it would be seen that better security was offered by it than by the other. Under the common law of France, as introduced into this country and existing at the time of the conquest,⁹⁰ there were several restrictions on legacies; for example the legator could not make his confessor his legatee, and was obliged to leave to his descendants some part of the inheritance which would naturally fall to him.⁹¹ This prohibition was felt to be such an evil that the consequence was, that it was objected to by the English inhabitants and repealed, so that the Lower Canadians should not be blamed because such a law did not exist. By this law any property left to a charitable or other corporation would be claimed by the heir-at-law and recovered by him. Act 41, George III, introduced the English law, by which the whole of this system was swept away, and now no provision of the kind existed. It had been said that it would be well to restrict the amount of property that might be bequeathed in any of these corporations, and he should not have the least objection to have such a limit imposed. Because he introduced this measure he was accused of atheism: he did not boast of his religion, but he denied that the measure before them would be productive of any such result. All he con-

tended for was that all religions should be placed upon the same footing.⁹² The hon. member for St. Hyacinthe, however, was very much afraid of the Turks being able under this law to co-incorporate himself and build a Mosque. Well, if they did, was it for him, or for that hon. gentleman, to say that they should not do so? Was it for him to say that the Turk should not worship God in his own way, because his way was diverse from theirs.⁹³ If any man chose to become a Mohamedan [*sic*] and bow down in a mosque, was the State to interfere?⁹⁴ No: he would tell the hon. member, and he would tell the Catholics throughout the world, that unless they were ready to give real religious liberty to all, they would be themselves the first to suffer from intolerance. It was not thus, he (Mr. Drummond) understood religious freedom; nor as Montalembert understood it; nor as O'Connell understood it.⁹⁵ Who advocated the cause of freedom as well as O'Connell, and who advocated the cause of the Jews as well as O'Connell, and, what people was it that was the first to place the Jew in the same position as the Christian? It was the⁹⁶ old Assembly of Lower Canada, whose bestowal of civil rights upon the Jews was one of the most glorious monuments of their career.⁹⁷ (Loud cheers.)⁹⁸ The people of Lower Canada did not understand the doctrine of expediency to which we must all resort to occasionally, but they always acted consistently. He (Mr. Drummond) was quite willing to stand or fall on this question; let any combination be made that his opponents chose to enter into. (Cheers.)⁹⁹ He was not ready to proscribe even the Turk, and he was ready to take his stand on that bill and meet any accusation whenever brought against him.¹⁰⁰

MR. SICOTTE.--Don't be so passionate.¹⁰¹

MR. AT. GEN. DRUMMOND was not passionate, for passion could have no place in the discussion of a principle. The principle of putting the faiths of all men on the same footing.¹⁰²

MR. SICOTTE ... in French ... interrupted him with interpellations about office.¹⁰³

MR. AT. GEN. DRUMMOND turned round to reply, and changing his language to that of his interrogator, said, "L'Office! pense-t-el [*sic*], que je mets mes principes sur mon office? Non! si je tombe ça sera sur mes principes!"¹⁰⁴ (Hear, hear.) But he had not the slightest fear that this bill would overthrow him; but if it did fall, he was willing to fall with it. Since the first moment that he had had the honour of occupying a seat in that House he had never hoped to make a measure perfect, he had endeavoured as much as possible to obtain assistance from all sides of the House, and when a good suggestion was made at either side, he was ready and glad to take advantage of it as well from one side, as the other. Those who tried to find little faults with the mechanism of this bill, but who did not object to its principle, were not acting fairly in opposing it as they did at this stage; for, as he had stated, he should be willing to take any suggestions from hon. members as to the details of the bill when it came into committee.¹⁰⁵ Before entering on that subject, however, he would remark on the singular manner in which extremes met.¹⁰⁶ These institutions, he said were calculated to encourage feelings of humanity, and were one of the best means that could be adopted to promote and to carry out those principles.¹⁰⁷ There were two great champions in the house¹⁰⁸: the hon. member for Kent seems to have sworn to sweep away all these institutions, and although he does not hope to carry out his point now, he endeavours to impede this measure in the hope of being able to do so hereafter. On the other hand, the hon. member for Montmorenci, appears to have entered on a crusade on the other side of the question, and seems to think that he is the only man who is left to defend the institutions of his country¹⁰⁹, and thought it very cruel to deprive him of the opportunity of defending his church.

This was a generous enthusiasm like that which had prompted the latter hon. member to defend the country, by his sole arm, against socialism. But he thought religion had stood so long that it needed not his defence.¹¹⁰ He (Mr. Drummond) admired the ability and industry of the hon. member for Kent, but he did not think that he had taken the right place to advocate his principles. Those gentlemen were not satisfied with carrying on the war on the floor of the House, but they had the advantage of being able to continue it through their papers; and for his part he would much rather read their speeches in their papers than hear them in the House. It was strange how extremes met--how these hon. gentlemen, after using their daggers upon each other, they suddenly joined and threw them at the Government. (Hear, hear.) He could not suspect them of wishing to disturb the people of Canada in the march of moral and material improvement that they had entered upon--he did not think that they wanted to destroy the harmony so happily prevailing in the country, but he would tell them that, if these measures were resorted to, there would be an end of all government in this country. (Hear, hear.) The hon. gentleman says, look at the past; but he could tell them that there was not one member of the Government who feared their attempts. With regard to the bill itself, an objection had been taken to it, on the ground that the Government had no control over these institutions; but that was a singular doctrine for the supporters of the voluntary system. For his part, he admitted that it was not his desire to place any religious corporations under the control of the Government. He did not think that there was any necessity that any control should be established over these societies, or any other. What was the use of such control? If a number of persons ask to become incorporated under this act and have any other object in view than is permitted by any of its clauses, they would be subject to prosecution by any individual. If any number of persons are incorporated under this act, and do not act according to their charter, their incorporation could be broken up by an action at common law in Lower Canada, or by an action in the Court of Chancery in Upper Canada.¹¹¹ He had not given the government control over the rules of the institutions to be created by his bill, because he wished the institutions to be independent; and because the bill restricted the corporation to societies with good objects.¹¹² The Hon. Attorney General then proceeded to read and comment on the different clauses of the bill. If he said you give these privileges to manufacturing or mining companies, you should not refuse them to religious, benevolent or educational societies by their acts of incorporation; you merely give to corporations the right possessed by any individual. Some power it was said should be given to prevent Atheism, but he could not understand how the bill would tend to encourage Atheism, or religious indifference as stated by the hon. member for St. Hyacinthe. His desire was to support all such corporations as much as possible, free from all state influence, and that they should be uncontrolled except as far as the laws of the land are concerned. He had not the slightest objection that the By-laws of any corporations established under this act should be submitted to a court of justice. The power possessed at present of disallowing any act of incorporation was seldom resorted to--only when the society had gone beyond the law of the land. It has been said that to introduce a general act of incorporation was to introduce Atheism. The idea that a law intended to promote the purposes of benevolence could have such an effect could only have been the invention of the hon. member for St. Hyacinthe by whom it had been broached, and it was one that would hand his name down to posterity. For his part he was not willing to claim any privileges for Lower Canada that could not be enjoyed by Upper Canada, and he would appeal to every man on the floor of the House if that were not the principle that he had always advocated. He had listened with much attention to the remarks of the hon. member for Kent, and he for his part wished to avoid hurting even the prejudices of any man, but he did not

wonder that the hon. member for Kent should have conceived the opinion he had of the people of Lower Canada, for he had often been astonished at the ignorance that prevailed in Upper Canada respecting them; but to set him right he would endeavour to show him how the matter stood. First of all, the ten millions of acres of which the hon. member had spoken, would cover a very large portion of Lower Canada, very nearly one third, and that reminded him of an assertion that he once heard in his county. His constituents were told that the Seigniors of Lower Canada were in possession of one tenth of all the property in Lower Canada. The very countenance of the hon. member for Kent expresses the candour of his mind, and it was no wonder that he believed all that he heard. Some one had told him that the priests in Canada were in possession of ten millions of acres, and to show the absurdity of this, he mentioned the amount of property held by the different societies¹¹³, repeating the names of the Seigniories held by the Church and Church corporations, the whole of which he said did not come to a 20th part of the quantity named. But in these Seigniories the lands were not held up from the people. On the contrary they were covered with a population each of whom held his land by as firm a tenure [as] any freeholder in Upper Canada. All they received as Seigniors from their cencitaires [sic] was about 5s. per farm, for it was well known that in these Seigniories, the old rates of rent had never been exceeded.¹¹⁴ If there was anything that distinguished these corporations as seigniors from any other seigniors, it was their extreme indulgence to their censitaires--in their liberal gifts to schools, and their care to see that all the wants of the censitaires were properly provided for. The example of Europe was, he said, worth nothing with regard to this country as far as religious corporations were concerned. Why were the corporations in Europe broken up? It was because they held their property in Mortmain, and it could not pass out of their hands, but in this country the property may be sold or otherwise disposed of without any restriction. To talk of monastic institutions in this country! We have nothing of the kind. We have no institutions to which you can attach any of the evil consequences that arise out of the monastic institutions of other parts of the world. There is no similarity between those and the religious institutions of Lower Canada,--the religious corporations of Lower Canada are always the first to promote all kinds of public improvement. Look at the city of Montreal before 1833--the streets were filled with crowds of miserable urchins who learned nothing but vice. The gentlemen of the Seminary of St. Sulpice, introduced the order of Christian Brothers, who in the course of a few years had 2000 children in the way of instruction, and at present there are not less than ten schools which are supported altogether by that seminary. These gentlemen had distributed hundreds of pounds in the support of the poor, who, in the long winters, were in danger of perishing with want. The grey nuns likewise, renouncing every species of enjoyment, thought of nothing but relieving the wants of their fellow creatures. Such were the religious corporations of this country. In this country, the religious corporations had power to sell their lands, which those in Europe had not, and they set an admirable example to the people of every virtue. The hon. member for Kent boasts of his Scottish origin, and he may well be proud of it! But he would ask him what the clergy of his own country had to do with the education of the people. In Rome, that abomination to the hon. gentleman, he would find more schools than in any other part of the world; and he read an extract from the work of Dr. Lang, a Presbyterian, in support of the educational system of the Church of Rome¹¹⁵, to show that there was more and better conducted [sic] schools in Rome than in Edingburgh [sic]. The hon. member for Kent had contended that education should not be in the hands of the clergy or under their influence; but in his own country, Scotland, education was almost exclusively under the control of the clergy.¹¹⁶ The real question, the hon. and learned gentleman continued, is whether there is any danger

likely to arise from the increase of these institutions? He would defy any hon. gentleman to show that any mischief could result from them. The best defence of the Roman Catholic Church is to be found in the Priesthood of Lower Canada--there is, he said, no Priesthood more revered, more beloved in the world, no Priesthood in the world that has sustained such a strong influence over the minds of their flocks; first, from their admirable conduct,--and secondly, from the care and attention that they paid to all the wants of those under their charge--and the liberality they are willing to show to all other denominations. It is not to be wondered at that they are respected by all parties, for if there is a distinction to be made, it is frequently in favour of a Protestant. He (Mr. Drummond) should be sorry to aid in the support of toleration--he was sure that anything in the shape of intolerance would alienate from them the support of the Roman Catholic clergy, who wished that all should enjoy those rights which they themselves held sacred. He had adopted the amount of £2,500 as the medium rate allowed to the existing corporations, and he then read the following list of institutions, with the amount each is allowed to hold:--

47 Geo. 3, c. 17. Quebec Benevolent Society, Rules subject to the confirmation of the Court of King's Bench.

3 Will. 4, c. 36. St. Hyacinthe College. £3,000 per annum. No return. Not bound to submit By-laws.

4 Will. 4, c. 35. Ste. Anne College. Same, &c.

6 Will. 4, c. 51. Chambly College. Same, &c.

3 & 4 Vic. c. 30. Seminaire de St. Sulpice. Règlements doivent être approuvés par le gouvernement. Un état quand requis. Sujet à visite.

4 & 5 Vic. c. 68. L'Assomption College. Same as St. Hyacinthe. £2,000 per annum.

4 & 5 Vic. c. 62. The Ladies Roman Catholic Orphan Asylum, Montreal. £1,000 per annum. No return, &c.

4 & 5 Vic. c. 66. Ladies' Benevolent Society of Montreal. £1,000 per annum. Do, do.

4 & 5 Vic. c. 67. Montreal Asylum for aged and infirm women. £1,000 per annum. No return, &c.

6 Vic. c. 24. Charitable Association of Catholic Ladies, Quebec. £1,000 per annum. Do.

7 Vic. c. 51. La Congregation de Notre-Dame de Quebec. £1,000 per annum. Do.

7 Vic. c. 52. The Ladies of the Orphan Asylum, Montreal. Protestant. £1,000 per an. Do.

7 Vic. c. 53. The Ladies of the Committee of Management of the Montreal Lying-in Hospital. £1,000 per annum. Do.

7 Vic. c. 54. Les Dames Religieuses du Sacré Coeur de Jésus, de St. Jacques de l'Achigan. Educational purposes. £3,000 per annum. Do.

8 Vic. c. 89. Quebec Charitable Firewood Society. £1,000 per annum. Do.

8 Vic. c. 99. Les Soeurs de la Congrégation de Notre-Dame, Montreal. Increased to £5,000 per annum. Do.

8 Vic. c. 100. Petit Séminaire de Ste. Thérèse. £4,000 per annum. Do.

8 Vic. c. 101. Soeurs des Saints Noms de Jésus et Marie, Longueuil. £2,000 per annum. Do.

8 Vic. c. 102. Canada Baptist Society. £1,000 per annum. Do.

8 Vic. c. 103. Ursuline Convent Three Rivers, further privileges. Increased to £1,500 per annum. Do.

9 Vic. c. 91. Dames Religieuses de Notre-Dame de Charité du Bon Pasteur. £3,000 per annum. No return.

9 Vic. c. 92. Grey Nuns, Montreal, authorised to sell property, but bound to submit statement to Governor, of proceeds, &c.

- 9 Vic. c. 99. Filles de la Charité at St. Hyacinthe. £2,000 per annum. No return, &c.
- 9 Vic. c. 95. The British and Canadian School Society of the District of Quebec. £500 per annum. No return, &c.
- 10 & 11 Vic. c. 67. Montreal Cemetery Company. 200 arpents in extent.
- 10 & 11 Vic. c. 101. The Montreal Firemen's Benevolent Society. £1,000 per annum. No return, &c.
- 10 & 11 Vic. c. 103. The Managers of the Ministers' Widows and Orphans' Fund of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland. £1,500 per annum. No return, &c.
- 12 Vic. c. 136. The Roman Catholic Archbishop and Bishops in each Diocese in Lower Canada, £5,000 per annum. Bound to make return when called upon so to do.
- 12 Vic. c. 137. La Communauté des Soeurs de Ste. Croix, St. Laurent, Montréal. £2,000 per annum. No return, &c.
- 12 Vic. c. 138. Les Soeurs de Miséricorde pour la régie de l'Hospice de la Maternité de Montreal. £2,000 per annum.
- 12 Vic. c. 139. Les Soeurs de l'Hotel-Dieu de Montreal. Increased to £3,000 per annum over what they have. Bound to render an account when required.
- 12 Vic. c. 140. Les Soeurs de l'Hopital-général, Quebec. Increased to £2,000 over what they have.
- 12 Vic. c. 141. Les Ursulines de Québec. Increased to £2,000 over what they have.
- 12 Vic. c. 142. La Congrégation des Hommes de la Paroisse de St. Roch de Quebec. £1,000 per annum. No return.
- 12 Vic. c. 143. Pères Oblats de l'[I]mmaculée Conception de Marie. £2,000 per annum. To account when required.
- 12 Vic. c. 144. Les Clercs Paroissiaux on [sic] Catechistes de St. Viateur. Industrie. £5,000 per annum. To account.
- 12 Vic. c. 145. Library Association of the Teachers of the District of Quebec. £100 per annum. No return, &c.
- 12 Vic. c. 146. L'Académie Industrielle de St. Laurent, Montreal. 4,000%. per annum. Annual Returns.
- 12 Vic. c. 147. The St. Patrick's Society of Quebec. 1,000%. per annum. Yearly statement to be published by Committee.
- 12 Vic. c. 148. La Société St. Jean Baptiste de la Cité de Quebec. 10,000%. capital in all. As last.
- 12 Vic. c. 149. L'Association St. Jean Baptiste de Montreal. 1,500%. per annum. No return.
- 12 Vic. c. 150. St. George's Society, Quebec. 2,000%. per annum. Statement to be published yearly.
- 12 Vic. c. 151. Quebec Friendly Society, continued to 1871.
- 12 Vic. c. 154. The Ministers and Trustees of Saint Andrew's Church, Montreal. 500%. per annum.
- 13 & 14 Vic. c. 127. The Quebec Workmen's Benevolent Society. Real property 2,000%; personal 500%. By-laws to be confirmed by Superior Court.
- 14 & 15 Vic. c. 142. Benevolent Societies of the Wesleyan Methodist Church in Canada. 5,000%. per annum. To account when required.

UPPER CANADA.

- 4 Will. 4, c. 33. Bath School Society. 5,000%. in all. No return.
- 7 Will. 4, c. 56. The College of Regiopolis. Nothing limited.
- 11 Geo. 4, c. 13. Trustees of the Grantham Academy. Yearly statement made.
- 12 Vic. c. 108. Les Révérendes Soeurs de la Charité, Bytown. £2,000 per annum. Yearly statement to be made to the Legislature.

13 & 14 Vic. c. 144. Elgin Association, 9,000 acres land, £5,000 capital. Make returns when required.

14 & 15 Vic. c. 33. Carleton County General Protestant Hospital, £3,000 per annum. To account when required.

14 & 15 Vic. c. 34. Toronto Orphan's Home and Female Aid Society. £1,000 per annum. Do.

14 & 15 Vic. c. 35. Toronto House of Industry. £3,000 per annum. Do.

14 & 15 Vic. c. 160. Temperance Reformation Society of the City of Toronto. £1,000 per annum. Do.

9 Geo. IV c. 2, 3 Vic. c. 73, 8 Vic. c. 15, 12 Vic. c. 91. Trustees may be appointed to hold Land for sites of Churches, Chapels.

9 Geo. 4, c. 2. applies only to Presbyterians, Lutherans, Calvinists, Methodists, Congregationalists, Independents, Anabaptists, Quakers, Menonists, Tunkers, and Moravians.

It gives them power to hold land for the site of a Church, &c., not exceeding five acres in extent.

3 Vic. c. 73, repeals the clause limiting the extent of land to 5 acres, and gives them an unlimited power to hold land for the support of public worship and the propagation of Christian knowledge, as well as for the purposes of the former Act. It also extends the same privileges to the Roman Catholic Church.

8 Vic. c. 15, extends same privileges to all Religious Societies or Denominations of Christians.

12 Vic. c. 91, provides for registration of deeds not registered, and gives power to Trustees to alienate property acquired under the above mentioned Acts.¹¹⁷

[Mr. Drummond] was loudly cheered for his effort.¹¹⁸

MR. ROSE after some preliminary remarks said he should oppose the amendment for the six months hoist.¹¹⁹

That called forth strong ironical and jeering cheers¹²⁰.

MR. ROSE [continued:] He was desirous that the bill should go into committee and there be discussed at length. He did not pretend to understand the subject himself, as the report that he had heard of it was in the House since the commencement of this debate. But it seemed to be conceded on all hands that corporations for charitable purposes were necessary, and in that case it appeared to him, that a general bill would be better than numerous applications to the legislature, for corporations. He censured the tone of the remarks of the hon. member for Kent; and remarking on the great length of the speeches of Messrs. Brown and Cauchon, he related an anecdote. He said that he went to buy an apple from an old woman that had the privilege to sell them in the lobby, and she had sagely remarked that¹²¹ no-body can get a word in edgeways when the Honorable member for Kent speaks.¹²² (Loud laughter.)¹²³

MR. H. SMITH (Frontenac.) The hon. member should not betray confidence.¹²⁴

MR. ROSE continued to say that he should vote for the second reading of the bill and reserve for himself the right of opposing it at its future stages.¹²⁵

(574)

And the Question being put; the House divided: and the names being called for, they were taken down, as follow:--

(575)

YEAS.

Messieurs Badgley, Brown, Burnham, Cauchon, Christie of GASPE, Clapham, Crawford, Dixon, Dubord, Fergusson, Gamble, Johnson, Langton, LaTerrière, LeBlanc, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, McDougall, Murney,

Ridout, Robinson, Seymour, Shaw, Sicotte, Smith of FRONTENAC, Stevenson, Street, Stuart, Valois, Viger, Willson, and Wright of West Riding of YORK.--(33.)

NAYS.

Messieurs Cameron, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Attorney General Drummond, Dumoulin, Egan, Fortier, Hartman, Hincks, Jobin, Lacoste, Laurin, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, McLachlin, Merritt, Mongenais, Morin, Morrison, Paige, Patrick, Polette, Poulin, Prince, Rolph, Attorney General Richards, Rose, Smith of DURHAM, Taché, Tessier, Turcotte, Varin, White, Wright of East Riding of YORK, and Young.--(39.)
So it passed in the Negative.

The votes of the Grit gentlemen were received with jeering laughter, and ironical cheers impossible to describe.¹²⁶

The vote being declared the clerk first read yeas 34; nays 38.¹²⁷

MR. MACKENZIE rose and said he had made a mistake. He intended to vote with the nays.¹²⁸

This announcement was met with loud ironical cheers and cries from the conservative benches, "that bill will never be seen again."¹²⁹

(575)

Then the main Question being put, That the Bill to provide a uniform mode of incorporating Societies formed for Charitable and Educational purposes, be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Cameron, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Attorney General Drummond, Dumoulin, Egan, Fortier, Hartman, Hincks, Jobin, Lacoste, Laurin, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, McLachlin, Merritt, Mongenais, Morin, Morrison, Paige, Patrick, Polette, Poulin, Prince, Rolph, Attorney General Richards, Rose, Smith of DURHAM, Taché, Tessier, Turcotte, Varin, White, Wright of East Riding of YORK, and Young.--(39.)

NAYS.

Messieurs Badgley, Brown, Burnham, Cauchon, Christie of GASPE, Clapham, Crawford, Dixon, Dubord, Fergusson, Gamble, Johnson, Langton, LaTerrière, LeBlanc, Macdonald of PINGSTON, Sir A.N. MacNab, Malloch, McDougall, Murney, Ridout, Robinson, Seymour, Shaw, Sicotte, Smith of FRONTENAC, Stevenson, Street, Stuart, Valois, Viger, Willson, and Wright of West Riding of YORK.--(33.)
So it was resolved in the Affirmative.

The motion for committal ... [was] put¹³⁰.

MR. BROWN rose and congratulated the ministry on their victory, but that vote at least showed that the matter was one well worthy of discussion after all,--the Inspector General to the contrary notwithstanding. He congratulated the House on its improvement in sentiment on the subject of ecclesiastical corporations.¹³¹

MR. AT. GEN. RICHARDS admitted the hon. member had gained a triumph; but at the same he must admit that the hon. member should be thankful for his new allies. (Laughter.) His gain was their loss.¹³²

MR. J.A. MACDONALD.--and yours also.¹³³

MR. CAUCHON.--Don't triumph too much.¹³⁴

MR. INSP. GEN. HINCKS denied that he had ever said that bill was one not to be discussed, but he might have found fault with the hon. member's manner of discussing it. That division was one which he would not let pass without notice.¹³⁵ [He] complimented the opposition on their new tactics. He pointed the regular opposition to their Leader--the member for Kent.¹³⁶ There was the great conservative party (pointing to gentlemen opposite, and speaking in an ironical tone) voting to a man with the hon. member for Kent, without saying a word upon the bill before the House. Yes, they had heard the principle of the bill discussed for three nights without saying a word--without daring to say a word--without venturing to commit themselves: and they watched their chance to profit by a division caused among the supporters of the government by the hon. member for Kent. Then they voted to a man with that member. He would not hesitate to say that a parallel for that course could not be found in the House of Commons. They were manifestly disappointed when the hon. members from the North and East Ridings of York and the hon. members from Wentworth and Halton voted with the government, and greeted those gentlemen with loud ironical cheering.¹³⁷

SIR A. MACNAB said members on his side of the House were where they ought to be, and had voted in accordance with their principles. They were charged with having changed their views; but he should like to know how many times the hon. Inspector General had changed his coat? If they (the opposition) had chosen to change their opinions with as much ease, they might perhaps have been now at the head of the Government. And talk about divisions.¹³⁸ Sir Allan ... boasted of the fact that the tories had voted as one man¹³⁹. Let the Government look at themselves. There was hardly a single measure they could agree upon. They would have been defeated upon this very bill but for the support of the Clear Grits, who were whipped in by the President of the Council, and who had sacrificed their principles to keep the Government in office. The hon. Inspector General talked about the hon. member for Kent. That hon. member stood high in the country. He perhaps might gain the place of the Inspector General¹⁴⁰ on an earlier day than people expected¹⁴¹ and by the same means. The Inspector General set himself up not many years ago, with press and types, and had pursued precisely the same course, which he condemned in the member for Kent. The conservatives had voted according to their principles. They had not rejected bills for the incorporation of charitable institutions; but they did refuse to support a bill under which any five black legs might become an incorporation.¹⁴²

MR. PRES. EX. COUN. CAMERON taunted the conservatives with not daring to open their lips during the discussion of a great question, for fear they should commit themselves. For himself he had voted in accordance with his principles. He had been consistent, and had not changed his opinions. He had voted for a Church of England incorporation at Kingston, when much opposition was made to it. It was known in Upper Canada that a general act of incorporation was wanted, and those hon. gentlemen who were so loudly, ironically cheered when they gave their votes, were consistent in voting for it. (Hear, hear, ironically.)¹⁴³

MR. J.A. MACDONALD of Kingston ridiculed the speech of the Attorney General East. It was a long speech. The hon. Attorney General repeated his arguments over and over again, then read long extracts--then looked round--and the question was asked "is he come?" One minister was looking at one door--the president of the Council was flitting round the room. In short there never was such whipping in. The ministry could ill conceal their anxiety. They were fearful of defeat. When they had got in every man they could find the vote came and the ministry had a majority of six or five before one hon. member changed his mind and his vote when he saw which way the wind blew. The hon.

member for Haldimand would vote for the majority. (Loud laughter.)¹⁴⁴

MR. MACKENZIE rose and indignantly denied this insinuation. He said he had been asleep and was roused just as the vote was taken, and voting with the yeas he thought he was supporting the bill.¹⁴⁵

MR. BROWN said the hon. member had told him he would oppose the bill. (Sensation and loud laughter.)¹⁴⁶

MR. MACKENZIE (hastily and with much warmth), that is not true; and you know it is not true.¹⁴⁷

MR. BROWN.--It was yesterday the hon. member told me he would vote against the bill. But I must say further I understood to-day, that he was going to vote for the bill (laughter.)¹⁴⁸

MR. MACKENZIE reiterated his denial of this.¹⁴⁹

MR. INSP. GEN. HINCKS said as doubt had arisen, he felt it due to the hon. member for Haldimand to say that it was known to the government that he would vote for the bill. (Loud ironical cheers.)¹⁵⁰

MR. J.A. MACDONALD continued. Well let us examine this triumph of the ministry. They had a majority of 6 votes, and there were 8 ministers in the House, so taking away the votes of the ministry for themselves, there was a majority of 2 against them. That was a great triumph! (Laughter.) The ministry asked them why they had not spoken and he would tell the reason. They saw that the ministry was a hydra-headed monster, divided against itself, and that its supporters were the same. The whole was kept together by the single bond of office. They (the opposition) knew the divisions in the ministerial camp on this subject, and they thought it better to let them fight it out among themselves. (Laughter.) They knew the ministry would want the support of the clear-grits to prevent them from falling. They wanted to see how these clear-grits would vote. These hon. gentlemen of more than common political virtue--these purists who would sweep everything away for their principles, these clear-grits, the pure silicia of Upper Canada, voted for the government against their principles, (laughter.) Ah! he knew they would. He knew it well. He had seen the hon. president of the council, a good whipper in, flitting about among them from one to the other, and he could not doubt the result and they (the opposition) might well chuckle over it; and they did so. (Laughter.) If the vote had been taken last night the government would have been defeated, and the clear-grits would, every man of them, have voted for the amendment of the hon. member for Kent¹⁵¹.

Hear, hear, from the opposition.¹⁵²

MR. J.A. MACDONALD [continued:] It was ungrateful of the clear-grits, thus to desert the hon. member for Kent, their natural leader. But the government must be saved and these clear-grits had been promised that they should never see the bill again, if they would put their principles in their pockets for half an hour, (loud laughter.) That bill would never be seen again. These pure gentlemen had sold their principles. They could never meet their constituents again. They would be Glenmorrised in Upper Canada. The honorable member for Kent had ungritted them. They would have the finger of scorn pointed at them wherever they went. The honorable member here went into the reasons which had prevented the conservatives from supporting the bill. They had never refused to sanction an act of incorporation for charitable purposes, but they were not willing to give an indiscriminate power for erecting these incorporations, to permit any five rogues to become an incorporation for any purpose whatever. The President of the Council was an able whipper-in.

This was a great country and fast increasing. More offices would be required, and the public purse was long and well filled. So it was prudent to stick to the Government, and corruption had carried the day. (Hear, hear from the opposition.)¹⁵³

MR. AT. GEN. DRUMMOND denied that he had altered in the slightest the tenor of his speech, as stated by the hon. gentleman. He had not asked one man to vote. But who were those hon. gentlemen who taunted them with only having a majority of six? He remembered well when for four years they had a fluctuating majority of from one to three, and suffered the degradation of carrying on the government in that manner. Those were not the men to taunt them with a majority of six. (Hear, hear.) He remembered well when the House was in committee of supply, and¹⁵⁴ [they] had staved off a division on which they apprehended defeat, for eight days, and in the mean time brought down the estimates containing items as bribes to refractory members.¹⁵⁵ Some fresh offices created for a couple of votes, to save the government. Yet these men reproached them! He did not like these allusions. He was disgusted with them. It was degrading to suppose that ministers held their offices for the sake of their emoluments, when there was not one of them who could not make more money in their several avocations. He again expressed his regret at such allusions as those of the hon. member for Kingston, and concluded by saying that of all the men in the House those taunts came ill from the hon. member for Kingston.¹⁵⁶

MR. D. CHRISTIE (Wentworth,) thanked the hon. member for Kingston for his care of their principles; and also for his praise of the hon. member for Kent, that was enough to justify him (Mr. C.)¹⁵⁷

MR. BROWN said so far from knowing of any combinations he did not know how the vote would go. He did not know if he could find a seconder. He only congratulated the House for its improved sentiments with respect to ecclesiastical corporations.¹⁵⁸

MR. INSP. GEN. HINCKS.--The hon. gentlemen opposite say they will grant as many as are asked for.¹⁵⁹

SIR A. MACNAB: We did not say so. We said we had refused none, and would be willing to grant corporations in cases where they were proper and asked for by respectable parties.¹⁶⁰

MR. MACKENZIE returned to the conservatives the reproaches that he had received from them. He asserted that they possessed no principle nor unity of sentiment except in the desire to regain office. But they would never rule this country again. The hon. member for Kent, who had told the House that he (Mr. Mackenzie) had promised to vote against the bill last night, while a few moments ago he said he could not find a seconder. Truly the hon. member for Kent is an honorable and consistent man!¹⁶¹

MR. BROWN said it was late in the evening, that he had spoken to the hon. member. It was after the motion was seconded, and while the hon. member for Montmorency was speaking. He (Mr. B.) had also mentioned to two persons that the hon. member for Haldimand was going to oppose the bill.¹⁶²

MR. MACKENZIE: You are a pretty Presbyterian.¹⁶³ [He] again denied the assertion, and went on to make some general remarks on parties and the bill. The hon. member for Kent did not act like a man who would lead a party, unless indeed it might be hon. gentlemen opposite into a quagmire (loud laughter.) They had never carried out any reforms nor ever would.¹⁶⁴

MR. LANGTON voted against the bill because he disapproved of its principles; and did not think it politic to multiply corporations in the manner proposed by the bill.¹⁶⁵

Motion carried.¹⁶⁶

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday the eighteenth day of March instant.

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The House, according to Order, resolved itself into a Committee on the Bill to extend the provisions of the Railway Companies Union Act to Companies whose Railways intersect the main Trunk Line, or touch places which the said Line also touches; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Mackenzie reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

MR. BADGLEY¹⁶⁷ moved, that the Bill to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to consolidate their Debt and for other purposes, be now read the third time.¹⁶⁸

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The Bill to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad to consolidate their Debt, and for other purposes, was, according to Order, read the third time.

The Honorable Mr. Badgley moved, seconded by the Honorable Mr. Macdonald, and the Question being put, That the Bill do pass, and the Title be, "An Act to authorize the Company of Proprietors of the Champlain and Saint Lawrence Railroad to consolidate their Debt, and for other purposes;" the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brown, Burnham, Cameron, Cauchon, Chapais, Christie of WENTWORTH, Crawford, Attorney General Drummond, Egan, Hartman, Hincks, Laurin, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, McLachlin, Morin, Morrison, Robinson, Rolph, Rose, Seymour, Stevenson, Street, Taché, White, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(30.)

NAYS.

Messieurs Mackenzie, and Tessier.--(2.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Badgley do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to incorporate the Montreal, Bytown and Ottawa Grand Trunk Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to incorporate the Brockville and Ottawa Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to increase the Capital Stock of the Great Western Railroad Company, and to alter the name of the said Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to incorporate the Ontario and Huron Railway Company, being read;

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The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to separate the Township of Georgina from the County of Ontario, and annex it to the County of York, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Morin,

The House adjourned.

FOOTNOTES: 10 MARCH 1853.

1. The debate on this matter was reported by GLOBE, 24 March 1853. The following papers noted the debate in identical accounts: MORNING CHRONICLE, 14 March 1853, BRITISH COLONIST, 18 March 1853, HAMILTON SPECTATOR DAILY, 21 March 1853 (which copied from MORNING CHRONICLE), HAMILTON SPECTATOR SEMI-WEEKLY, 23 March 1853 (which copied from MORNING CHRONICLE), HAMILTON SPECTATOR WEEKLY, 24 March 1853 (which copied from MORNING CHRONICLE), NORTH AMERICAN SEMI-WEEKLY, 25 March 1853, and NORTH AMERICAN WEEKLY, 31 March 1853. The debate was also noted by HAMILTON SPECTATOR DAILY, 11 March 1853.
2. GLOBE, 24 March 1853.
3. MORNING CHRONICLE, 14 March 1853.
4. GLOBE, 24 March 1853.
5. IBID.
6. IBID.
7. All papers disagree with the JOURNALS, reporting that the motion was withdrawn (MORNING CHRONICLE, 14 March 1853, etc.) or the matter postponed (GLOBE, 24 March 1853) because of the absence of MR. COM. CR. LANDS ROLPH.
8. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 11 March 1853; HAMILTON SPECTATOR DAILY, 18 March 1853, and HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1853 (which added identical commentary to the report copied from the MORNING CHRONICLE); NORTH AMERICAN SEMI-WEEKLY, 15 March 1853, and NORTH AMERICAN WEEKLY, 17 March 1853. The following papers reported the debate in partially identical accounts: MORNING CHRONICLE, 14 March 1853, MONTREAL GAZETTE, 16 March 1853, PILOT, 17 March 1853, BRITISH COLONIST, 18, 22 March 1853, HAMILTON SPECTATOR DAILY, 21 March 1853 (which copied from MORNING CHRONICLE), HAMILTON SPECTATOR SEMI-WEEKLY, 23 March 1853 (which copied from MORNING CHRONICLE), HAMILTON SPECTATOR WEEKLY, 24 March 1853 (which copied from MORNING CHRONICLE), NORTH AMERICAN SEMI-WEEKLY, 25 March 1853, and NORTH AMERICAN WEEKLY, 31 March 1853. The debate was also reported by: GLOBE, 24 March 1853; LA MINERVE, 17 March 1853; and JOURNAL DE QUEBEC, 19 March 1853. The debate was noted by: HAMILTON SPECTATOR DAILY, 11, 12 March 1853. A commentary, which included some account of the debate, appeared in BRITISH COLONIST, 22 March 1853. The two longest accounts, GLOBE, 24 March 1853 and JOURNAL DE QUEBEC, 17, 19 March 1853, of Mr. Cauchon's speech in this debate (given the 9th and 10th March 1853) give no indication of the point in the speech at which the adjournment on the 9th took place. An arbitrary division based on the reports of the two days' debates in the MORNING CHRONICLE, 11, 14 March 1853, has therefore been made.
9. MORNING CHRONICLE, 14 March 1853.
10. GLOBE, 24 March 1853.
11. MORNING CHRONICLE, 14 March 1853.
12. GLOBE, 24 March 1853.
13. JOURNAL DE QUEBEC, 19 March 1853.
14. IBID.
15. IBID.
16. GLOBE, 24 March 1853.
17. MORNING CHRONICLE, 14 March 1853.
18. GLOBE, 24 March 1853.
19. MORNING CHRONICLE, 14 March 1853.
20. GLOBE, 24 March 1853.
21. JOURNAL DE QUEBEC, 19 March 1853.
22. GLOBE, 24 March 1853.
23. JOURNAL DE QUEBEC, 19 March 1853.
24. GLOBE, 24 March 1853.

25. MORNING CHRONICLE, 14 March 1853.
26. JOURNAL DE QUEBEC, 19 March 1853.
27. MORNING CHRONICLE, 14 March 1853.
28. JOURNAL DE QUEBEC, 19 March 1853.
29. GLOBE, 24 March 1853.
30. JOURNAL DE QUEBEC, 19 March 1853.
31. MORNING CHRONICLE, 14 March 1853.
32. GLOBE, 24 March 1853.
33. IBID.
34. MORNING CHRONICLE, 14 March 1853. GLOBE, 24 March 1853, reported that Mr. Hincks "had no doubt but that they were both perfectly serious as to the course they had taken."
35. GLOBE, 24 March 1853.
36. MORNING CHRONICLE, 14 March 1853.
37. GLOBE, 24 March 1853.
38. MORNING CHRONICLE, 14 March 1853.
39. GLOBE, 24 March 1853.
40. MORNING CHRONICLE, 14 March 1853.
41. GLOBE, 24 March 1853.
42. MORNING CHRONICLE, 14 March 1853.
43. GLOBE, 24 March 1853.
44. IBID.
45. IBID.
46. IBID.
47. MORNING CHRONICLE, 14 March 1853.
48. GLOBE, 24 March 1853.
49. MORNING CHRONICLE, 14 March 1853.
50. GLOBE, 24 March 1853.
51. MORNING CHRONICLE, 14 March 1853.
52. GLOBE, 24 March 1853.
53. MORNING CHRONICLE, 14 March 1853.
54. GLOBE, 24 March 1853.
55. MORNING CHRONICLE, 14 March 1853.
56. GLOBE, 24 March 1853.
57. JOURNAL DE QUEBEC, 19 March 1853.
58. MORNING CHRONICLE, 14 March 1853.
59. JOURNAL DE QUEBEC, 19 March 1853.
60. MORNING CHRONICLE, 14 March 1853.
61. JOURNAL DE QUEBEC, 19 March 1853.
62. MORNING CHRONICLE, 14 March 1853.
63. JOURNAL DE QUEBEC, 19 March 1853.
64. MORNING CHRONICLE, 14 March 1853.
65. JOURNAL DE QUEBEC, 19 March 1853.
66. MORNING CHRONICLE, 14 March 1853.
67. JOURNAL DE QUEBEC, 19 March 1853.
68. MORNING CHRONICLE, 14 March 1853.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. JOURNAL DE QUEBEC, 19 March 1853.
74. MORNING CHRONICLE, 14 March 1853.
75. IBID.
76. GLOBE, 24 March 1853.
77. MORNING CHRONICLE, 14 March 1853.
78. GLOBE, 24 March 1853.
79. MORNING CHRONICLE, 14 March 1853.

80. GLOBE, 24 March 1853.
81. MORNING CHRONICLE, 14 March 1853.
82. GLOBE, 24 March 1853.
83. JOURNAL DE QUEBEC, 19 March 1853.
84. GLOBE, 24 March 1853.
85. MORNING CHRONICLE, 14 March 1853.
86. GLOBE, 24 March 1853.
87. MORNING CHRONICLE, 14 March 1853.
88. GLOBE, 24 March 1853.
89. MORNING CHRONICLE, 14 March 1853.
90. GLOBE, 24 March 1853.
91. MORNING CHRONICLE, 14 March 1853. GLOBE, 24 March 1853, quotes Mr. Drummond as saying that under French law "a prohibition was laid on all testamentary bequests to these institutions."
92. GLOBE, 24 March 1853.
93. MORNING CHRONICLE, 14 March 1853.
94. GLOBE, 24 March 1853.
95. MORNING CHRONICLE, 14 March 1853.
96. GLOBE, 24 March 1853.
97. MORNING CHRONICLE, 14 March 1853.
98. GLOBE, 24 March 1853. BRITISH COLONIST, 22 March 1853, noted that "when ... [Mr. Drummond] appealed to the liberality of the old Lower Canadian Parliament ... he excited enthusiasm among the French members, and they responded by clapping of hands: a very unusual mode of cheering, in an assembly of practical business gentlement [sic]."
99. GLOBE, 24 March 1853.
100. MORNING CHRONICLE, 14 March 1853.
101. IBID.
102. IBID.
103. BRITISH COLONIST, 22 March 1853, which commented that Mr. Sicotte spoke "rather sneeringly."
104. BRITISH COLONIST, 22 March 1853, which commented: "You might go often to the theatre before you saw a scene so good as this. Macready could hardly have surpassed the intonation of the Attorney General. His whole heart, evidently, was in his mouth...." GLOBE, 24 March 1853, in which the wording of Mr. Drummond's reply was identical to that in BRITISH COLONIST, 22 March 1853, noted that Mr. Sicotte's interruption "was not heard in the [reporters'] gallery," and that Mr. Drummond spoke "with much emphasis."
105. GLOBE, 24 March 1853.
106. MORNING CHRONICLE, 14 March 1853.
107. GLOBE, 24 March 1853.
108. MORNING CHRONICLE, 14 March 1853.
109. GLOBE, 24 March 1853.
110. MORNING CHRONICLE, 14 March 1853.
111. GLOBE, 24 March 1853.
112. MORNING CHRONICLE, 14 March 1853.
113. GLOBE, 24 March 1853.
114. MORNING CHRONICLE, 14 March 1853.
115. GLOBE, 24 March 1853.
116. MORNING CHRONICLE, 14 March 1853.
117. GLOBE, 24 March 1853. MORNING CHRONICLE, 14 March 1853, in an otherwise identical list, gave the act of incorporation of Les Soeurs de Miséricorde ... de l'Hospice de la Maternité de Montréal (12 Vic. c. 138 in the GLOBE) as 15 Vic. c. 138, and the allowance to the Toronto House of Industry (14 & 15 Vic. c. 34) as £2000 for the GLOBE's £3000.

118. BRITISH COLONIST, 22 March 1853.
119. MORNING CHRONICLE, 14 March 1853.
120. BRITISH COLONIST, 22 March 1853, which commented that the cheers "were meant to convey the impression, that he had been converted in favour of corporations."
121. BRITISH COLONIST, 18 March 1853.
122. MORNING CHRONICLE, 11 March 1853, in which the story about the old lady was printed out of context under the heading "Speech by 'One of the Six [Clear Grit supporters of the ministry].'" The MORNING CHRONICLE's full report of the debate on 14 March 1853 omitted the direct reference to Mr. Brown and substituted "during those long speeches."
123. MORNING CHRONICLE, 14 March 1853.
124. IBID.
125. MORNING CHRONICLE, 14 March 1853. GLOBE, 17 March 1853, gave the following account of the activity in the minutes before the vote on Mr. Brown's amendment: "Altogether, when the debate was resumed on Thursday evening, the prospect of a large division against the bill was good. Not, however, till after Mr. Hincks spoke, when he sneered at the want of sympathy Mr. Brown had in the house on this question--did the leader of the Government find out that his Bill was in danger. A few minutes after he sat down, Mr. Malcolm Cameron and he, were observed anxiously poring over a division list--and forthwith the most active measures were put in operation. At every corner, were seen Clear-grit members being lobbied by the whippers-in--portentous cogitations went on among the Hartmans, Wrights, Whites, and Roses--interesting little caucuses were formed round the chair of the Commissioner of Crown Lands--and even the leader of Her Majesty's Government condescended under the plea of finding 'a pair' to lobby hon. gentlemen as to the vote they were about to give. And the whipping-in of the Government was successful--the Christies and the Hartmans, and all the rest of the Clear-grit tail were scourged into the traces--and gave their votes against the most monstrous act--on their own principles--that ever disgraced a Statute-book!" BRITISH COLONIST, 22 March 1853, reported that "the Government whippers-in were quite busy flitting about from one of their friends to another ... while in the lobbies, small knots might be seen speculating on the coming decision."
126. BRITISH COLONIST, 22 March 1853.
127. MORNING CHRONICLE, 14 March 1853.
128. IBID.
129. IBID.
130. IBID.
131. IBID.
132. IBID.
133. IBID.
134. IBID.
135. IBID.
136. NORTH AMERICAN SEMI-WEEKLY, 15 March 1853.
137. PILOT, 17 March 1853.
138. MORNING CHRONICLE, 14 March 1853.
139. NORTH AMERICAN SEMI-WEEKLY, 15 March 1853.
140. MORNING CHRONICLE, 14 March 1853.
141. GLOBE, 24 March 1853.
142. MORNING CHRONICLE, 14 March 1853.
143. IBID.
144. IBID.
145. IBID.
146. IBID.

147. IBID.
148. IBID.
149. IBID.
150. IBID.
151. IBID.
152. IBID.
153. IBID.
154. IBID.
155. NORTH AMERICAN SEMI-WEEKLY, 15 March 1853.
156. MORNING CHRONICLE, 14 March 1853.
157. IBID.
158. IBID.
159. IBID.
160. IBID.
161. IBID.
162. IBID.
163. NORTH AMERICAN SEMI-WEEKLY, 15 March 1853.
164. MORNING CHRONICLE, 14 March 1853.
165. IBID.
166. IBID.
167. This motion was reported in identical accounts by the following papers:
MORNING CHRONICLE, 14 March 1853, MONTREAL GAZETTE, 16 March 1853, BRITISH
COLONIST, 22 March 1853, GLOBE, 24 March 1853, NORTH AMERICAN SEMI-WEEKLY,
25 March 1853, and NORTH AMERICAN WEEKLY, 31 March 1853.
168. MORNING CHRONICLE, 14 March 1853.

FRIDAY, 11 MARCH 1853.

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MR. SPEAKER acquainted the House that the Clerk of this House had received from the Clerk of the Crown in Chancery a Certificate of the Return of Alexander Tilloch Galt, Esquire, for the Town of Sherbrooke, in the room and place of the Honorable Edward Short, who, since his election to serve for the said Town of Sherbrooke, has accepted the Office of one of the Judges of the Superior Court of Lower Canada.

And the said Certificate was read; and is as followeth:--

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Quebec, 11th March, 1853.

This is to certify, that in virtue of a Writ of Election, dated the fifteenth day of February last past, issued by His Excellency the Governor General, and directed to the Sheriff of the District of Saint Francis, (George Frederick Bowen, Esquire,) Returning Officer *ex officio* for the Town of Sherbrooke, for the election of one Member to represent the said Town of Sherbrooke in the present Parliament, in the room and place of the Honorable Edward Short, who, since his Election as Representative of the said Town of Sherbrooke, had accepted an Office of profit under the Crown, to wit, the Office of one of the Judges of the Superior Court of Lower Canada, by means whereof the seat of the said Honorable Edward Short, in the said Legislative Assembly, as Representative of the said Town of Sherbrooke, had become vacant, Alexander Tilloch Galt, Esquire, has been returned as duly elected accordingly, as appears by the Return to the said Writ, dated the eighth day of March instant, which is now lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W.B. Lindsay, Esquire,
Clerk of the Legislative Assembly.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Turcotte,--The Petition of D. Lemaitre Augé and others, of the Parish of St. Antoine de la Rivière du Loup, County of St. Maurice.

By the Honorable Mr. Merritt,--The Petition of William H. Merritt, Esquire, and others, of the Town of St. Catharines.

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By Mr. Stuart,--The Petition of Thomas Simard and others, Pilots for the River St. Lawrence in and below the Harbour of Quebec; the Petition of the Mayor and Councillors of the City of Quebec; the Petition of Sarah A.E. Wilson and others, Sunday School Teachers of the City of Quebec; and the Petition of the Reverend John Cook, D.D., and others, of the City of Quebec.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend S.J.N. Dumoulin and others, of the Parish of Ste. Anne d'Yamachiche, County of St. Maurice; and of G. Joly, Esquire, and others, of the City of Quebec; praying for the incorporation of a Company to construct a Railway from Quebec to Montreal on the North Shore of the River St. Lawrence, and that the Provincial guarantee may be extended thereto.

Of John Craig and others, of the Town of London; praying for the passing of an Act to enable Mechanics and others who expend labor or material in the erection or repair of Buildings, to maintain a lien thereon until the payment of all sums due for such labor or material.

Of Robert Robson, Chairman, on behalf of a Public Meeting held in the Township of London; praying for certain amendments to the Common School Law.

Of the Reverend J. Harper and others, of the Parish of St. Grégoire, County of Nicolet; praying for aid to extend and improve the Model School established in the Village of the said Parish, and also the High School for girls, and also to establish a Library for the use of those Schools.

Of the St. Lawrence and Ottawa Grand Junction Railroad Company; praying that the Bill to incorporate the Montreal, Bytown and Ottawa Grand Trunk Railway Company may not pass into Law, or otherwise that the Line of the said Company's Road may not touch at St. Eustache, St. Andrews or Grenville, or approach within nearer than twenty miles of the Line of Road adopted by the Petitioners.

Of the Municipal Council of the Town of Brantford; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating Liquors within this Province.

Of the Municipality of the Township of Aldborough; praying for the incorporation of a Company to construct a Railway from the Galt Junction of the Great Western Railway through Brantford, Norwich, and St. Thomas, to Malden.

Of Joseph Valin and others, of the County of Portneuf; praying that the Concession Road leading to the Church of St. Augustin may be placed under the control of the Quebec Turnpike Trustees.

Of R. McKinnon, Esquire, and others, of the Village of Caledonia; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Provincial Canals.

Of L. Fiset and others, School Commissioners of the School Municipality of the Parish of Ste. Foye, County of Quebec; praying for aid from the unappropriated School Funds of Lower Canada to establish an Academy in the said Parish.

Sur motion de DR. FORTIER¹,

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Resolved, That that part of the Petition of Antoine Lajoie and others, of the Township of Shawenegan, District of Three Rivers, which alleges that the Petitioners have sustained loss on the sale of standing timber on the lots occupied by them under location tickets, through the negligence of the Land Agent, be referred to a Select Committee, composed of Mr. Fortier, Mr. Chapais, Mr. Jobin, Mr. Poulin, and Mr. Mongenais, to enquire into the circumstances connected therewith, but without reference to the indemnity claimed by the Petitioners, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of the Honorable Mr. Cameron, seconded by Mr. Morrison,

Resolved, That this House will immediately resolve itself into a Committee to

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consider certain Resolutions on the subject of the amendment and consolidation of the several Acts now in force relative to Emigrants and Quarantine.

The House accordingly resolved itself into the said Committee;²

The following resolutions of Mr. Cameron were adopted in committee of the whole:

1. That it is expedient to repeal the Acts 12 Vic. cap. 6--13 & 14 Vic. cap. 4--14 & 15 Vic. cap. 3--and 14 & 15 Vic. cap. 78,--imposing a duty on emigrants or passengers coming into this province by sea, and making certain provisions and regulations on the subject of such emigrants or passengers and the vessels in which they come,--and to amend the said provisions and regulations and consolidate them as amended into one Act.

2. That it is expedient that the rate or duty to be paid in respect of emigrants and other passengers arriving in this province by sea, from any port

in Europe, should be:--For each adult, 5s., and for each other emigrant or passenger between the ages of 5 and 15 years, 3s. 9d., if they have embarked with the sanction of the government of the country from which they sailed--and 7s. 6d. for every emigrant or passenger who shall have embarked without such sanction.

3. That it is not expedient to re-enact the provisions of the Act 13 & 14 Vic., cap. 4, authorizing the return of part of the duty, in cases where Emigrants merely pass through this Province to the United States.

4. That it is expedient to repeal the present Quarantine Act, 35 Geor. cap. 5 (Lower Canada) to amend and simplify its provisions, and to empower the Governor in Council to make permanent regulations respecting Quarantine, in place of the Proclamation for the same purpose which is now issued annually by the Governor.

5. That it is expedient that provisions should be made, as heretofore, for the maintenance of an efficient Quarantine Establishment at Grosse Isle, and the employment of proper officers, Medical and otherwise, for ensuring the carrying into effect of the laws and regulations made for the purpose of preventing the introduction or spread of contagious or infectious disease.³

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Clapham reported, That the Committee had come to several Resolutions.

Ordered, That the Report be received on Tuesday next.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address of the Legislative Assembly, dated 3rd March 1853, to His Excellency the Governor General, for a copy of any Communication which may have been addressed to Members of the Legislative Council on the subject of Indemnity to Members of that Honorable House.

By Command.

A.N. Morin, Secretary.

Secretary's Office,

Quebec, 11th March, 1853.

Private.

Speaker's Chambers,

Quebec, 22nd January, 1853.

Sir,--The difficulty experienced, particularly during the recent sitting of the Legislature, in bringing together in our House a sufficient number of Members to form and maintain a Quorum, has engaged the serious attention of the Government and induced them to devise the means best adapted to remedy an evil, equally injurious to the public interest, as subversive of the importance and efficiency of that branch of the Legislature.

It has occurred to them that one of the means to attain that result would be to propose to the Members of that body, an allowance at least sufficient to cover the expenses to which they are inevitably exposed in the discharge of their duties.

Considering the present circumstances of the Province, the extent of the Country, and the position of individuals, it has been thought that this proposal, which seems but reasonable, could be made without wounding, in the least, the feelings of those to whom it is addressed, and without derogating to the consideration to which they are entitled.

Under this impression, actuated by those motives, and relying also on the opinion expressed by several of our Members, the Government have come to the determination of recommending to Parliament, at its next sitting, the adoption of the necessary measures for the realization of a project which the Honorable the Provincial Secretary has already alluded to in his place, in the Legislative

Assembly, previous to the last adjournment.

I have thought it my duty to communicate to you that determination, and the reasons for which it has been adopted; and in doing so, I must express my earnest hope, that whatever may be your personal opinion as to the propriety and expediency of the measure, you will take it in good part, in consideration of the motives to which it is due, that you will not deprive the Council of your valuable services, and that I shall have the pleasure of seeing you in your place at the re-opening of the House in February next. In the mean time,

I have the honor to be,

Dear Sir,

Your most obedient servant,

(Signed,)

R.E. Caron.

Sur motion de SIR A. MACNAB⁴,

(579)

Ordered, That the said Return be printed for the use of the Members of this House.

(580)

The Bill to extend the provisions of the Railway Companies Union Act to Companies whose Railways intersect the main Trunk Line, or touch places which the said Line also touches, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Langton do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof, being read;

And the Petition of John Fraser, Esquire, and others, Proprietors of Fiefs and Seigniories in Lower Canada, which was received and read upon the twenty-fourth day of February last, being also read;

The Counsel against the Bill was called in.

Then the Honorable Mr. Chabot moved, seconded by the Honorable Mr. Attorney General Drummond, That the Bill be now read a second time;

And the Counsel for the Petitioners was heard;⁵

Christopher Dunkin: Mr. Speaker: On behalf of the petitioners proprietors of Seigniories in Lower Canada, I appear before you to represent certain objections which they feel themselves justified, in urging to the further progress of the bill, which has just been called up before this Hon. House. And surely I do not say anything extraordinary when I declare that I appear before you with a good deal of embarrassment, and even of regret. I am before a tribunal certainly of an extraordinary--certainly also of a very high character; and I have to contend against strong prepossessions and powerful interests. I have to speak on behalf of clients, few in number, and of extremely small influence in the community; and I feel that I labour under difficulties of a peculiar character, as well from the physical impossibility of speaking in both the languages used by members of this Hon. House, as from other causes. I should be happy, were I able to do so, to address the House in both languages; but I know that those members whose language I do not use will be capable of understanding me, and I trust they will feel that my failure to address them in their own tongue proceeds from no disrespect. One other regret also I have on this occasion; it is that I am obliged to stand here alone. The season of the year and the feeble health of the learned Counsel--greatly my superior--who has been associated with me, have prevented him from appearing before you, and nobody more than myself feels how impossible it is for me to fill his place. But I have

not felt that I had a right to decline on this account to give my services when required; and I have not shrunk from my duty, because, though I feel my inadequacy, I also feel great confidence in the fairness of this high tribunal. I believe that its members will listen patiently, honestly, and impartially, because of their high position, and in spite of the insignificance of him who speaks; and I am so convinced, indeed, of the truth of what I shall say, that I do not believe I shall speak in vain.

Let me say here, and say earnestly, that I do not stand here as the apologist for the Seigniorial Tenure. I have nothing to do with its merits, if it have any, nor with its demerits, be they what they may. I am not here the partizan of a system; but the advocate of individuals whose misfortune it is that their property is of a peculiar character. As their advocate I speak merely of law; I have to convince you that these my clients are really proprietors, who have entered into contracts, who have rights recognized and guarded by the law, which rights I do feel that this measure will most injuriously affect. When I take this position I speak under the sanction of the Speech from the Throne, and the reply of this Honorable House. I know that it is a position to which every branch of our Parliament is pledged; that it is admitted, that no rights of property must be disregarded, nor legal decisions of Courts set aside. Thus speaking then--under these sanctions--in spite of prepossessions, notwithstanding the measure I oppose is introduced by an Honorable Member of an Administration generally understood to be strong enough in the confidence of this House to carry its measures⁶--I still have confidence in the justice of my cause and in this High Tribunal--I still believe that I shall not labour in vain.

I shall lay before the House and the country facts not generally known. A good deal has been published to the world since this subject was last discussed, which had previously been obscure. Several volumes have been printed which contain the greater part of the titles of the Seigniories of Lower Canada; and besides these, reports in both languages of a number of arrets which had never previously seen the light. There have also been published considerable extracts from the correspondence of the high officers of the French Government, of the Governors and Intendants in Canada, the Ministers of State, and even of the Sovereign, and it is my belief--my full and firm belief--that from these titles now first placed in a position to be understood--these arrets now first made known--this correspondence now first opened to historical research and legal deduction--a case can be made out, which could never before have been made out. I have not the vanity to hope that I shall be able to do this by merely drawing new arguments from old facts; but I have studied these documents as attentively as possible, and I believe none other ever did study them, and it is upon this close examination that I found my opinion. They are arranged not in order of time, nor of place; and the French and English versions are not even arranged in the same order. This I mention to show the difficulty of studying them, and from no intention of imputing blame to those who compiled them. In going over these volumes I soon found that to understand these documents it would be necessary to arrange them in the order of their dates, and I have therefore so done. Thus arranged, I have carefully gone through them all, and have ascertained with tolerable accuracy to what Seigniority each title referred. I think I have made out a nearly perfect list; that I understand all the titles; and I now say that from this examination of the whole, and from the comparison of each part with the other, [2] I have been forced to conclusions to which I never thought I should arrive,--to the conviction that the fact in regard to this question is that which very few people of late years, have believed.--I enter into these explanations because I may be thought to owe an apology to the House for laying down propositions, for which those who have not studied the subject so carefully as myself are not prepared: If I fail to bring forward good reasons, on my head be the responsibility.

I believe there is no question of the truth of one proposition--that it has of late been held as the fixed tradition of the country that the Seigniors are not proprietors--are not what an English lawyer would be called holders of freehold estate;⁷ but are rather trustees bound to concede at low rates of charge to all who apply to them for land. On this proposition alone can the provisions of this bill possibly be justified. If this be properly held, I admit that much is to be said in favour of the measure. If the Seigniors were originally merely trustees bound to concede at low charges and reserves, it may follow that only a moderate degree of mercy should be dealt out to them.⁸ Still even on that head much may be said, owing to the peculiar position, in which they have stood since the cession of the country. It would have been easy--and it is common--to object to the measure before the House on this ground; for, supposing even that before the cession seigniors were bound to concede without exacting more than a certain rent, or reserving water courses, wood, banalité, or anything else, still it may be argued that for ninety three years⁹ the machinery of such old law has ceased to exist; that the courts and the legislature, and the government have treated these persons as absolute proprietors; and that thus they have changed the properties of the tenure, and placed the Seigniors in a new position. That being so, it has been argued, and I think properly, that it would be hard to fail to respect those rights of property which a usage of ninety years has established. My duty to my clients and to truth, however, lead me not to stop short with this argument.¹⁰ It is my duty to object altogether to the proposition on which it is attempted to defend the present bill; and I do now distinctly deny the proposition that the seigniors are to be looked on as trustees of the public--as agents bound to discharge duties of any kind whatever. My proposition, on the contrary, is that the Seigniors are and always have been proprietors of real estate; that whatever interference may ever have taken place with reference to their property was arbitrary, irregular, inconsistent with principle, and not equal in extent to the interference exercised over the property of the censitaire. The grants to the Seigniors were grants of the soil, with no obligation like that supposed; and though during certain periods their property was interfered with, it was never interfered with to the extent to which similar interference took place in respect to the property of the habitant. If the Seigniors were not holders of property there were no such holders; if they were not proprietors, there were none who could consider themselves so. I am aware that in this statement I run counter to the traditions of late currently held--to doctrines which are supported by the authority of men for whom I have the highest respect, and from whom I differ with reluctance; but from whom I dare to differ nevertheless, because I believe I have looked more closely than they have done, or could do, into the titles and arrets which form the evidence on this subject. I neither reflect on their ability nor on their integrity--I do not doubt the honesty of their conclusions; but yet I see that their doctrines were well fitted to obtain popular credence, because it is always popular to tell the debtor that his obligation is not justly incurred. I do see that certain circumstances have given currency to opinions¹¹ that will be found on examination as destitute of foundation, as any the most absurd of opinions ever vulgarly entertained.

If the Seigniors be trustees and not proprietors, this much must be conceded--that their capacity of trustees must arise either from the incidents of the law in France before their grants; or from something which took place at the time of making the grants--from something done here in the colony or by the authorities in France before the cession; or, lastly, from something done since the cession of Canada to the British crown. On all these points, I maintain that there is nothing to show the Seigniors were trustees, and not proprietors--everything to show that whatever interference was exercised over their property was of an abnormal character.

As to the tenor of the prior French law interpreting the subsequent grants in Lower Canada I will not say much, because, though addressing a tribunal, I am not addressing professional lawyers, and ought not therefore to talk too abstruse law. I shall therefore go as little as possible into details; but venturing as I do on a position which professional men will and must attack, it is necessary for me to state some reasons in support of the conclusions to which I come.

It would be a singular thing, considering what we know of France, if in the seventeenth and the early part of the eighteenth centuries any idea should have been entertained by the French crown and government of creating a body of aristocratic land-holders as mere trustees¹² for the public, especially for that part of the public which was considered so low as to be unworthy of attention. For ages, indeed down to the great revolution in the 18th century, the doctrine which prevailed in France was a doctrine which made public trusts a property, certainly not one which made of property a public trust. The Seigneur who was a Justicier was the absolute owner of all the many and onerous dues, which he collected from the people subject to his control. The functionaries, even, whom he employed to distribute the justice--such as it was--which he executed, held their offices for their own benefit--bought them and sold them. Trusts were then so truly property, that the majority of the functionaries of the very crown itself possessed their offices as real estate, which might be seized at law, sold, and the proceeds of the sale dealt with just as though the offices had been so much land. The whole system regarded the throne as worthy of the very highest respect; the aristocracy as worthy of a degree of respect only something below that accorded to the crown; and the people as worthy of no respect at all. Was it at a time when public trusts were property; when the people were only not slaves; when we must suppose that the French King, about to settle a new and great country would seek to introduce the state of things which prevailed in the old country--was it, too, [3] when the King was here creating Seigniors Haut Justiciers, and raising some of them to high rank in the peerage; that he gave the grantees what only purported to be property and was really a public trust, and this trust to be executed in behalf of a class for whose welfare the king cared nothing? The idea is natural to us, because we associate the power of the crown with the happiness and welfare of the people governed. We are so sensitive that we almost shrink when speaking of the lower orders, from calling them by that name; but this was not so then. Then the people were emphatically the lower orders, or rather they were hardly an "order" at all. This was the state of things here at the time of making these grants.

Now, under the French system, there were four principal modes of holding real estate. It was sometimes held under certain limitations. All who did not hold by the noblest and freest tenure, may be said (if one wants to use a modern term) to have held in trust; but not for the behoof of those below, but for that of those above them. Some property in France and in Lower Canada was held in franc aleu noble--free land held by a noble man--held by a noble tenure, of no one, and owing no faith nor subjection to any superior. There was again another kind of property held in franc aleu roturier--a property incapable of the attributes of nobility, but in other respects free. A third description was that held in fief or seigneurie; and lastly there were lands held en roture or en censive. But all these kinds of property were alike real estate held by proprietors. The holder in franc aleu noble held by the most independent tenure possible, which admitted of their disposing of their land in whatever way they pleased. The holder in franc aleu roturier held as freely; with this reservation only, that he could not grant to inferiors retaining feudal superiority. The holder en fief was bound to his superior, and could grant¹³ to inferiors under him; and the holder en roture or censive was bound to his superior, but could

have no inferior below him.

As to the essential character of the contract involved in the granting of land en fief, I refer here to one authority only, that of Hervé, the latest and perhaps most satisfactory writer on the whole subject of the Seigniorial Tenure. In his 1st vol. p. 372, he says, speaking of this contract: "il doit être [sic] définie une concession faite à la charge d'une reconnaissance toujours subsistante, qui doit se manifester de la manière convenue"; "it must be defined to be a concession made subject to the charge of an always subsisting acknowledgment, which must be manifested in the manner agreed upon." This then is the essential of the contract--a superior holding nobly grants to an inferior who admits his inferiority and acknowledges it--how? Why, observe--in the manner agreed upon. The kind of acknowledgment is the creature of the agreement between the parties. Here, again, is the definition of the holding à titre de cens taken from the same author, vol. 5, p. 152. "C'est [sic] le bail d'une portion de fief ou d'alleu à la charge par le preneur de conserver et de reconnaître [sic], de la manière [sic] convenue, un rapport de sujétion toujours subsistant entre la portion concédée et celle qui ne l'est pas, et de jouir roturièrement [sic]"; "it is the grant of a portion of a fief or alleu, subject to the charge upon the taker of maintaining and recognising, in the manner agreed upon, a relation of subjection ever subsisting between the part conceded and that not conceded, and of holding as a roturier." The holder en roture was a proprietor, but he must always recognize his chief--he was a commoner, while the holder en fief held as a noble. Both tenures were creatures of contract. In some parts of France some customs, in others other customs prevailed, and in the silence of contracts the customs governed the relations between the parties. That custom which regulated everything in Lower Canada is well known to be the Coutume de Paris; and under that, as indeed under most customs, the grantor was at liberty to grant on all kinds of conditions, and the appeal was only made to the regulations of the Custom in the absence of contract. Particular customs prohibited certain conventions; but in general men granted whether en fief or en censive, as they pleased, only observing not to transcend certain conditions¹⁴ of the custom to which they belonged.

I admit, of course, that during a long period of dim antiquity neither land held en fief nor that held en censive was really and truly property. In those days such grant of land was merely the grant of its use, and the holder could not leave it to his children, or in any other way dispose of it. But in process of time it became the rule that holders of land en fief could part with it by will, or by any contract known to the law--by sale, lease, grant à cens or à rente, or in any other way. If the holder did thus part with his land, the Lord of the land might claim his certain amount of dues: if it was a fief¹⁵ that was sold, the buyer had to pay a quint. But I repeat, subject to these payments the holder could sell his fief or any part of it; only in the latter case he could not make such part a new fief. The purchaser would merely become a co-proprietor with himself.

Indeed, subsequently, still further relaxation came to be allowed. Within varying limits the holder en fief became entitled to alienate without dues accruing to the Lord. According to the custom of Paris this point was regulated in a very precise manner; the holder of a fief being at liberty to sell, grant or otherwise alienate two thirds of his fief, if he only reserved the foi to himself--that is to say, if he held himself still as the master of the whole, and retained some real right, large or small, over the land. He might take the value either in yearly payments or one sum of money, provided he only retained something payable annually in token of his feudal superiority and provided also he did not dispose of more than two thirds of his holding. In Brittany and elsewhere the whole of this system of disposing of fiefs was unknown. There the lord could not sell part of his fief. He could either grant it nobly or

en roture; but could take only a small cash payment;¹⁶ and supposing he had ever granted land at a particular amount of rent, he could never afterwards grant it at a less rent, and this for the reason that the interests of his superior in the land was affected by the amount of the permanent rent. Thus he had the right to demand that the holder below him should not make away lightly with his property--that the value of his property should be [4] kept up. That was the restriction in these customs; but it did not exist in the custom of Paris.

No lawyer will deny that by the law of France all the obligations on holders of land were in the interest of the lord and not in that of his inferior. It was not then the fashion to think of the inferior at all; but only to take care that the chief was not cheated by his vassal, nor the Seigneur by his censitaire. This doctrine thus held in France was equally recognized in England by Magna Charta, which was to a great extent identical with the custom of Normandy. One of its articles provided that no free man should grant away so much of his land, as that enough should not be left to enable him to fulfil all his duties to his lord. Here it was plain that it was the lord who made the demand--that it was he who claimed from his vassal the retention of so much land as was necessary for the service of the lord. In those days there were no objections made to wide spread properties in the hands of individuals. Individuals held most extensive possessions and cultivated them by dependents of all grades, for their own benefit; not at all for that of their subordinates. The higher classes alone were regarded, and it would have been strange, if the crown had created a class of nobility and granted them large tracts of land, and yet had intended that they should be mere agents for classes below them--for classes for which the rulers cared not.

I now pass to the consideration of the terms of the grants made in Canada, and of the jurisprudence which prevailed from the settlement of the country to its cession. The period being a long one, I may divide it into three parts--the first ending with 1663, when the Company of New France or the hundred Associates was dissolved; the second from that period to the passing of the arrets of Marly registered in 1712; and the third, from thence to the cession of the country to the crown of Great Britain. If throughout these periods there can be found any thing adverse to these antecedent dispositions of the French law, I am greatly mistaken.

In 1627 or 1628,¹⁷ the French Crown after several previous attempts, resulting in nothing, to settle Canada, created the Company of one hundred Associates with extraordinary prerogatives. The terms of this grant are to be found in one of the volumes printed for this House;¹⁸ by it the King granted in full property all the country of New France or Canada. The document sets forth:--

"And for the purpose of repaying to the said company the heavy expenses and advances necessary to be made by the said company, for the purposes of the settlement of the said colony and the support and preservation of the same, His Majesty will grant to the said associates, their heirs and assigns forever, in full property, with right of seignior, the fort and settlement of Quebec, with all the country of New-France called Canada, &c., together with the lands within, and along the rivers which pass therein and discharge themselves into the river called Saint Lawrence, otherwise the Great River of Canada, and in all other rivers which flow therein towards the sea, together also with the lands, mines and minerals, the said mines to hold always in compliance with the terms of the ordinance, ports and harbors, rivers, ponds, islands and islets, and generally all the extent of the said country, in length and in breadth, and beyond as far as it will be possible to extend and to make known the name of His Majesty,--His Majesty merely reserving the right of Fealty and Homage, which shall be rendered to him and to his royal successors &c.

"It will be lawful for the said associates to improve and deal with the said lands as they may see meet and to distribute the same to those who shall inhabit the said country and to others, in such quantities and in such manner as they may think proper; to give and grant them such titles and honors, rights and powers as they may deem proper, essential and necessary according to the quality, condition and merits of the individuals, and generally upon such charges, reserves and conditions as they may think proper. But nevertheless, in case of the erection of any duchy, marquisate, county or barony, His Majesty's letters of confirmation shall be obtained upon the application of his said Eminence the grand-master, chief and general superintendent of the trade and navigation of France."

There then was a grant made in 1628¹⁹ to a commercial Company [*sic*], with most extraordinary privileges. They were to make war or peace; to have fortresses, in fact to be clothed with all the attributes of sovereignty; and it is provided that all limitations which might appear to be made by the Custom of Paris, or otherwise, were to be dispensed with. They were to grant to anybody and everybody on just such terms as they pleased. There were grants made before this period; but none of them seem to be in force;²⁰ so that I begin with this grant to the Company as affording the key idea, which interprets and governs all that follow. The Company granted, under this ample charter, a considerable number of Seigniories between the years 1628 and 1663. By examining the printed titles and adding several others obtained elsewhere, I have found out in all sixty one,²¹ of which sixteen are either duplicates or have never been taken possession of, or have been forfeited. Forty five are thus still in force, and of these thirty five are in the documents laid before this hon. House. The total grants²² in Lower Canada are about two hundred and eighty. The Company's grants, therefore, form about one sixth of the whole of those now existing. These grants cover an extent of nearly 3,000,000 of arpents, according to the estimate of a gentlemen [*sic*] of great accuracy in these matters, and as all the lands in Seigniorship amount to some 10,000,000 of arpents, the quantity granted by the Company is not far from one third of the whole. Of these grants three contain also grants à titre de cens, and one of these is a grant to Robert Giffard, of the Seigniorship of Beauport; it is dated January 15th 1634,²³ and sets out that the Company "being desirous to distribute the lands" of Canada, "give and grant by these presents the extent and appurtenances of the following lands: to wit: one league of land along the bank of the River St. Lawrence, by one league and a half of depth on the lands situated at the place where the River Notre Dame de Beauport falls into the aforesaid river, including the river (Notre Dame) to enjoy the said lands, the said Sieur Giffard, his successors or ayans cause, in all justice, property and seigniorship forever, with precisely the same rights as those under which it has pleased His [5] Majesty to grant the country of New France to the said Company." Is not that an irrevocable and absolute grant of property? I think if there are words which can convey such a grant I have just read them. But the grant conveyed other property; it gives another piece of land à titre de cens in the following terms. "Besides which things the Company has also accorded to the said Sieur Giffard his successors or ayans cause a place near the fort of Quebec, containing two arpents for him there to construct a house with the conveniences of a court yard and garden, which places he will hold à cens of the said place of Quebec." The strong expressions contained in the other grant are not in this. I of course do not mean to say that this was not a grant of property; but when I have the much more extensive expressions of the other portion of the grant, I cannot believe that they were not meant to give the most absolute property. If one was a grant of property, which cannot be denied, the other was such a grant ten times over. The one was a grant made as to a commoner;²⁴ the other of all kind of property, with right of justice and lordship over the tract of country comprised within it.

The following are the conditions of the grant of Deschambault (Pièces et Documents 375):--

"We have, to the said Sieur de Chavigny, given, granted and conceded, and in virtue of the power conferred on us by His Majesty's edict for the establishment of our Company, do by these presents give, grant and concede the lands and places hereinafter described, that is to say: two arpents of land to be taken in the place designated for the city and banlieue of Quebec, if there remain still any unconceded lands therein or adjoining the same, to build thereon a dwelling with a garden where he may reside with his family; moreover, thirty arpents of land to be taken outside the said banlieue of the said city of Quebec and close to the same, in the lands not yet conceded;--

"And have moreover to the said Sieur de Chavigny given, granted and conceded, and by these presents do give, grant and concede, in virtue of the power conferred on our said Company, half a league of land in width, to be taken along the said River St. Lawrence above and below Quebec to commence from Three Rivers only, down to the mouth of the said river, by three leagues in depth inland, either on the side where Quebec is, or on the other shore of the said river, as the said Sieur de Chavigny may desire; to have and to hold, unto him, his successors and assigns, the above conceded lands, in full property, and possess them, to wit: the said two arpents of land in the city and banlieue of Quebec, and the said thirty arpents near and outside the said banlieue, in roture, subject to the payment of one denier of cens, payable at the Fort of Quebec, every year, on the day which shall hereafter be appointed, the ... said cens bearing lods et ventes, saisine et amendes; and the said half league on the River St. Lawrence by three leagues in depth inland in full property, jurisdiction and seigniority, also for ever, unto him, his heirs and assigns, subject nevertheless to the condition of fealty and homage."

Here again one property was granted en fief, and another en roture--both as real property; but one a very much higher kind of property than the other. On page 351 (edits et ordonances) I cite the original French copy throughout--will be found a grant of a different kind--one of the grants en roture, to a Mr. J. Bourdon. In this document the grant set forth is of "an extent of about fifty arpents, of land covered with growing wood, situate in the banlieue[e] of Quebec to have and to hold the same unto him, his heirs and assigns, fully and peaceably, in simple roture, under the charges and censives which Messieurs of the Company of New France shall order, on condition that the said Sieur Jean Bourdon shall cause the said lands to be cleared, and shall allow the roads which the officers of Messieurs of the said Company may establish to pass through his lands, if the said officers judge it expedient, and that he shall take a title of concession from Messieurs of the said Company of the said lands by us granted to him: The Company has confirmed and hereby confirms the said distribution of land, and as far as may be necessary, has granted and conceded it anew to the said Jean Bourdon, to have and to hold the same unto him, his successors or assigns, under the said charges and conditions above mentioned, and moreover subject to the payment of one denier of cens for each arpent every year to be computed from the date of the said grant." Tho [sic] same restrictive characteristics mark all the grants of lands en roture. The expressions conveying property, in the grants of fiefs are always incomparably stronger than in these.

No less than twelve of the grants by this company contain expressions equivalent to that which I have read from the grant of Beauport, conferring the same rights as the Company had from the King. Amongst the seigniories thus granted were the following, viz: In 1634, Jany., 15th Beauport; Feby., 15th; a fief to the Jesuits²⁵--in 1636 Lauzon, Beaupré, and Isle d'Orléans--in 1640 part of Montreal and St. Sulpice--in 1652 Feb. 8, Guadarville--1653 March 31 Augmentation of Beauport; Nov. 15, Mille Vaches, and the augmentation [sic] of Guadarville;

Decr. 15th Neuville or Pointe aux Trembles--1658, the remainder of Montreal. Of these, Guardarville was granted for the purpose of inducing the grantee to defend a dangerous post. There are three other grants in franc aleu, words which absolutely relieved the holder from any obligation, except those to which he was liable as a subject of the French crown; feudal superior he had none. Several other grants were made in franc almayne to religious bodies, on condition of their giving an honorable place to members of the company at the performance of mass on certain days of ceremony, of taking care of the sick, &c. Many exempted the owner from the duty of paying a quint on mutations, and thus gave him the power to part with the property exactly as he pleased. A large proportion of these grants contain the words en pleine propriété, and not one excluded the notion implied in those words: Several expressly grant some river or some rivers; many had the words "all the rivers"; and of course when the company granted with the same rights as they held themselves from the crown, they gave the rivers, mines, minerals and everything else. So far did these grants go indeed, that in some cases it was even thought necessary to make a reserve of this kind--"The Company does not intend that the present concession [6] should prejudice the liberty of navigation which shall be common to all the inhabitants of New France." This clause was to be found in the grant of Montreal in 1640 (p. 365 pièces et documents); and similar provisions were to be found in other grants,²⁶ shewing clearly how perfect was the property intended to be given, when it was thought necessary to reserve such rights as these. In several of these grants this clause goes on to provide that the seigniors should charge no duty on ships passing their lands on the St. Lawrence. Were not men, in whose grants it was thought requisite to reserve even the great rivers of the country, intended to be proprietors of something? These grants were from 1640 to 1659, and were in all no less than nine, which in various ways reserved the navigation of the St. Lawrence. They were the grants of Deschambault; part of Montreal, & St. Sulpice; Rivière du Sud; D'Autré, augmentation; Portneuf; Repentigny, Lachenaie & L'Assomption; Becancour, augmentation [sic] of Deschambault; and the remainder of Montreal. Besides these nine, other similar remarkable reservations of which I cannot mention, every detail, occur in others of these thirty-five grants. Among these reservations, some forbid the erection of forts; and a number of the grants imply the intention of the grantee to apply for titles of honour. The Company of New France could not grant this privilege to its cessionaires without application to the crown, and the grants, therefore provided for the grantee applying for that favour.

There is of course no question but that all these grants implied the duty of settlement and clearing of the land--that when the crown granted land, the grantee was to take possession of, and make use of it. If not, the contract was not fulfilled; and either the crown, or the company--in case the Company were the grantor--might take it back, as if it had never been given. This I admit; all I contend for is, that the grantees were not bound to settle the land in any particular manner--that they were lords and masters, not obliged to concede en arrière fief nor yet à cens. There were physical difficulties in the state of the new country which rendered it impossible to carry out in it the manners of the old; but these were circumstances of geographical position, not restrictions of law. The law imposed no restraint whatever; and as to the grants, very few indeed made any mention whatever of the amount or kind of settlement to be effected by the grantees. In the grant of Deschambault, Pièces et documens p. 375, it was provided the grantee "shall send at least four working men to commence the clearing, besides his wife and servant-maid, and this by the first ships that shall sail from Dieppe or LaRochele, together with the goods and provisions for their support during three years, which shall be gratuitously brought and carried for him to Quebec in New France, on condition that he send the whole on board of the ships of the said company at Dieppe

or LaRochelelle." There was thus a consideration for this grant--not however an obligation to take out emigrants by the hundred--not to concede to all and sundry who might come and demand the land. You could not in those days have induced a man of substance to come out and settle, without giving him a large quantity of land, and no man would have thanked you for such a grant unless he were to be the master of it.

The grant of Montreal shows a similar kind of expectation that the grantees would bring out settlers;²⁷ but none imply obligation as to the terms on which land should be given to these settlers. Some of them positively limit the power of granting land in a very whimsical manner. Thus in the grant of Beauport in 1634, the land is given "without the said Sieur Giffard, his successors or assigns, having the right to dispose of the whole or part of the lands hereinabove granted to him without the will and consent of the said company, during the term and space of ten years." So far then from its being the duty of the Seigneur to concede, his grant restrains his power to concede. The grant of D'Autré provides that concessions shall be made only to persons residing in new France, or who shall go out there. That of Montreal & St. Sulpice on the contrary limits them to persons not inhabitants of New France, but who shall bind themselves to emigrate there. This shows how various were all these grants, and how adverse to the ideas that then prevailed, must have been the notion that the grantees were bound to subgrant their lands, à cens, or otherwise.²⁸

Besides, a number of these grants en fief, were of tracts of land too small for sub-granting to have been possibly thought of. Isle des Ruauux was a small island granted for purposes of pasturage to the Jesuit Fathers. Another grant was made to one Boucher of two hundred arpents, en fief; and another on the Cap Rouge Road, called Becancour, was but ten arpents by one. It appears also that one Bourdon had a house which he called St. Jean, and which was held en roture. This the company erected, with sixty arpents of land adjoining it, into a fief; no doubt to gratify the proprietor by making his tenure that of a man of rank.

Under such circumstances, can it be imagined that the owner of the fief was necessarily bound to concede? No, he was the proprietor, only with a higher social rank and superior privileges than were possessed by the holder en roture. It was impossible that such a condition should be thought of. The grantees must sometimes bring people out from France; but the Company could not require them, after they had done so, to make any other bargain than they and the emigrants thought fit to make. The Seigneur could grant or not, as he thought proper. The beginning, middle and end of his obligation was, to take possession of his land and settle on it; when he had done this, he might do whatever else he pleased.²⁹ Again several of these grants were made to religious bodies for the purpose of securing to them a revenue; a notion altogether adverse to the idea that they were to concede at very low rates.

I have now considered the titles of three tenths of the land held en fief in Lower Canada. I pass next to the period between 1663, the date of the dissolution of the Company of New France, and the year 1712, when the Arrets of Marly were published. The Company was dissolved because it did little for the settlement of the country; the majority of the Seigniories were not settled, andd [sic] the French King revoked his grant of 1627, an [sic] took the Colony again into his own hands. About the same time several arrets were issued [7] which have been cited as though they imported the revocation of the antecedent grants by the company. Many have thought that because the king said these grants were to be revoked, they were revoked. I admit, some were: indeed all those which do not at present subsist were no doubt taken possession of and granted again.

The first of these Arrets is of 1663, March 21, (page 135, of the Third Volume laid before Parliament). In it the king complains of the failure to settle the country and alleges: "that one of the chief causes for the said

country not becoming so populous, as he desired and even that several settlements had been destroyed by the Iroquois is to be found in ... the grants of large quantities of land which have been accorded to certain inhabitants of the said country, who never being able to clear their lands, and having established their residences in the middle of the said lands, have by this means found themselves placed at a great distance from each other, and, therefore, unable to succour or aid each other." And the arret goes on to say that, to prevent this evil, the king ordains that "within six months of the publication of the present arret in the said country all the inhabitants thereof shall cause to be cleared the lands contained in their concessions; or otherwise, in default of their so doing within the time mentioned, his Majesty ordains that all the lands not cleared shall be distributed by new concessions in the name of His Majesty; His Majesty revoking and annulling all concessions of land by the said company still remaining uncleared." It might be supposed that this meant something; but almost on the same day there will be found in the old edition of the Edits et Ordonnances,³⁰ vol. 2, p. 26, a document directed to a M. Guadais, a Commissioner of Inquiry. This is dated May 6th, 1663, and in it the king treats the injunction just mentioned as merely comminatory, and never intended to be carried out to the letter. "In case any of those to whom concessions have been made, set to work at once to clear them entirely, and before the expiration of six months as mentioned in the arret, shall have commenced to clear a good part, it is the intention of His Majesty, that on their petition, the Sovereign Council may grant a new term of six months only, which being ended he desires that all the above mentioned concessions shall be declared null." When the arret came to Canada, however, it appears that nothing was done with it the Sovereign Council contented [*sic*] itself with merely having it communicated to the Syndic of the habitants before any thing was done upon it--avant faire droit. In fact nothing was done, except as to those concessions already referred to which were resumed and regranted.

In May 1664 the French king granted a new charter to the company of the West Indies, and shortly after this, was written one of the extracts of correspondence lately laid before this House. I feel it necessary to advert to this latter, to show that I have gone over the entire subject. The paper bears the names of de Tracy and Talon, who were at that time Governor³¹ and Intendant of the colony. They seem to have been framing a plan for regulating the concessions of lands, and they proposed:--³²

"That an ordinance be made, enjoining all inhabitants of the country, and all foreigners possessing lands therein, to declare what they possess, either in fief of liege homage or of simple homage, in arriere-fief or in roture, by a statement and acknowledgment (dénombrement et aveu) in favor of the West India Company, giving the conditions and clauses contained in their title-deeds so that it may be ascertained whether the Seigniors (seigneurs dominants) have not had anything inserted in the deeds given to them by the lords paramount (seigneurs suzerains ou dominantissimes) to the prejudice of the rights of sovereignty; and whether they themselves, in distributing the lands of their fief dominant to their vassals, have not exacted anything that may infringe on the rights of the crown and the subjection due only to the King. * *

"And to avoid any confusion and give the King a perfect knowledge of the changes which shall be effected each year in Canada, that it be ordered that in future no particular or general grant shall be made in the name of the West India Company, or on the part of the seigniors of fiefs who shall be distributing their domaine utile to habitans, unless, (and this as a condition of their validity,) the same be verified and ratified by the official having power from His Majesty, and be registered in the office of the domain of the said company; for whose benefit a land roll terrier shall be commenced forthwith."

It seems they were under the impression that the grants of land which had

been made interfered with the rights of sovereignty; and under this feeling, the proposal was--not to make the Seigniors concede, but to throw a certain measure of obstruction in the way of their so doing. Whatever might have been intended, however, it would seem to have been a mere project which came to nothing.

A second arret has been cited as proving the zeal of the king to enforce the settlement of the country. This bears date in 1672, and was registered³³ Sept. 18, 1672; it appears only in the old edition of the Edits et Ordonnances at page 60. This was issued just at the time when a new governor³⁴ was coming out, and is really little more than an order to Mr. Talon the Intendant to make a land roll or terrier. It recites the too great size of the grants and the insufficient settlements, and then it directs that all proprietors should at once settle on their lands; failing to do which they were to be taken by the crown and regranted to others--not the whole of them, however, but half.³⁵ The spirit of the arret was to say to the proprietors of lands, we see that you have got too much to settle; therefore half must be taken away from you; but the mere fact of this arret being issued showed that the preceding one of 1663 was merely comminatory and had not been acted upon.³⁶ Nor was that of 1672, any more than the other, for almost immediately after, Talon granted a great number of Seigniories without going through any formality whatever, for reuniting to the domain of the crown any grants previously made.³⁷

A third arret on this subject, also directing the escheat of one half of all unsettled lands was issued in 1674, and directed to Mr. Duchesneau the then Intendant; but this again was merely comminatory and never acted upon.³⁸ Then in 1676 joint powers were given to the Governor and [8] the Intendant to grant lands;³⁹ and in 1679, three years latter [*sic*], there was a fourth arret on the same subject, which, like all the rest was a mere threat. The terms of this last were analogous to those of the preceding one, except that it sets forth that the Papier Terrier or land roll had really been made. The lands granted before 1665 were to be cleared with all dispatch; if not, they were not as a whole to be forfeited; but one quarter was to be taken off the grants, and one twentieth part yearly every year afterwards.⁴⁰ There is not, however, the least trace of this having ever been put in force; it was merely comminatory; neither one half, nor one fourth, nor one twentieth of any seigniority was ever confiscated. All was a dead letter--a threat never executed, nor apparently intended to be executed.

I pass to consider the grants made by the West India Company, or in the King's name, to the year 1712. These grants were very numerous--in all something less than two hundred and sixty, of which some 83 are either not in Canada or for other reasons should be struck off. There remain 176, of which one hundred and sixty four are printed in the volumes before the House. Two of those not so printed I have obtained elsewhere. They exceed four sevenths of the grants now in force, and they cover more than four millions of the ten millions of arpents held en fief.

That of River du Loup en bas is one of those granted by the W.I. Company.⁴¹ It grants "On the south side of the great River St. Lawrence, one league above and one league below the River du Loup, by one league and a half in depth, and the ownership of the said River du Loup, and of the mines and minerals, lakes and other rivers which may be found within the said concession, and also the islands and beaches in the said River St. Lawrence, opposite the said concession, with the right of hunting and fishing throughout the whole of the said concession; to have and to hold the same unto the said Sieur de la Chesnaye, his heirs and assigns, for ever, in full property and seigniority."⁴²

The grant of Terrebonne is in similar terms,⁴³ and both were confirmed by the King in 1674, at the time of the revocation of the charter of the W.I. Company.⁴⁴ Indeed the clause of the revocation by which these grants were confirmed

was of a very extensive nature. "We have rendered valid, approve and confirm the concessions of land accorded by the directors, their agents or attorneys, and the particular sales which have been made of any habitations, storehouses, famrs [sic] or inheritances." So that by this act, even sales made by the Company were confirmed.' Besides these grants by the Company, six in number, there were many in the name of the King during this period by Talon, especially to officers of the Regiment Carignan who were then settling in the country. A number were also granted by Frontenac and by Duchesneau, first separately and then together as Governor and Intendant.--And the remainder were granted by subsequent Governor and Intendants.

In these documents there is great variety, some referring back to grants by the Company of New France, and augmenting them; the new grants being quite as destitute of clauses of restrictions on the grantee as the originals. A great number mention rivers, like that of River du Loup; others set forth as the object of the grant that it is to endow religious bodies, or to reward services to the State. Some even carried with them rank in the peerage. Others again were intended to cause the establishment of Fisheries. These of course granted the rivers; and contained no expression in any way hinting at the idea of the land being sub-granted at all. The thing intended was the creation of fisheries, not of agricultural establishments. One grant was made, almost without any clauses, for the establishment of a slate quarry at Anse de l'Etang: the only condition being that the grantee was to give notice to the King, of the mines and minerals, which he might find.

I might heap proof on proof, of the absence of any intention on the part of the grantor to compel the grantee to sub-grant. It is even certain that several grants as large as Seigniories were granted à titre de cens--that is to say without the faculty to regrant, because the holder à titre de cens could have no censitaire under him. I repeat, during several years grants were repeatedly made of an extent of from two to four leagues à titre de cens, at the rate of six deniers of cens, which it was legally impossible to grant to any feudal sub-holder.⁴⁵ A number of such grants and others inconsistent with the obligation to concede, were made.⁴⁶ I have felt anxious in making this statement to support it by precise details. To some extent I shall do this now; and I regret that time did not permit me to prepare a complete factum to lay before this House, setting forth with distinctness each of these cases. I propose hereafter to state the whole of these cases and the others in print; in the meantime I mention some of them as examples. One of these grants is of the Isle aux Coudres to the Seminary of Quebec;⁴⁷ and this was expressly upon condition that the land should not be inhabited except by persons belonging to the Seminary. So far from obliging the grantees to grant again, it actually prohibited them. The ecclesiastics were to make a settlement in favour of the education and conversion of the Indians and therefore none but ecclesiastics were to live there, lest the work of conversion should be interfered with by lay disorders.

The only kind of reference in any of these grants to the probable settlement of them by tenants at all is to be found in a clause to which I now ask attention, taken from a grant by Talon of St. Anne de la Pérade.⁴⁸

"On the condition that they (shall) continue to hold [and] cause to be held hearth and home on ... and that they shall stipulate in the contracts they may make with their tenants, that these latter shall be held to reside within the year, and hold hearth and home on the concessions that may be or have been accorded to them, and that in default of doing this, they shall re-enter into full and lawful possession of the said lands,--that they shall preserve the oak trees, that may be found on the land which shall be reserved for the principal manor house, also that they shall reserve the said oaks in all the extent of the particular concessions made to their tenants, that may be

proper for &c." It is evident that these were not clauses to oblige the grantee to have tenants.⁴⁹ The very word tenancier is an ambiguous one: it may mean censitaires, or it may mean something else--it is applicable to censitaires, fermiers, [9] holders à bail à rente, &c. But apart from this ambiguity, I repeat that these clauses do not require the grantee to have tenants at all. They merely require him, if he have tenants, to make them live on their lands.⁵⁰ He was not to part with his land or to create claims upon it without making those to whom he gave it reside upon it; and they were not then to have it except upon condition of preserving the oak timber. To show this was the whole meaning of the clause, it will be enough to turn to other titles of the same period. We shall see for instance, that this clause gradually got shortened, and that it appeared in a grant of Longueuil, July 10th 1676 (p. 90 pièces et documents)⁵¹ in the following words:--"that he shall continue to keep and cause to be kept by his tenants hearth and home (feu et lieu) on the said seigniory; that he shall preserve and cause to be preserved the oak timber fit for ship-building which may be found there, &c." In the grants of St. Maurice and Gentilly, the same year, the clause is merely⁵² "He shall continue to keep hearth and home (tenir feu et lieu) on the said seigniory, and shall preserve and cause to be preserved the oak timber thereon." Wherever, indeed, any mention of tenants is to be found in these grants, it is to provide that the seignior shall hold them to the duties he was required to enforce on them. This was in the spirit of the times, when the highest exercised rights on those below them, and required those below them to exercise these rights against those lower in the scale. I go farther even than this. Some of these grants are even so worded as unequivocally to import nothing more than permission to have sub-grantees. Thus in the grant of Ste. Anne des Monts⁵³ the grantee is to cause to be inserted the same conditions in the "concessions that he will be allowed to grant on the said lands." And in a number of other instances, the same or like words are used.

Nor were these varying forms of expression the result of mere unauthorized caprice on the part of the Governor and Intendant. They were fully sanctioned by the crown. There are printed two Royal arrets,⁵⁴ each confirming a number of grants; one dated in 1680, the other in 1684. By these the King declared that he confirmed those grants precisely as they were made; only adding a clause to require clearance within six years. I have also obtained another, bearing date the same day as the arrets of Marly, 6th July, 1711; which contains the ratification of 11 grants of various dates & granted under various conditions, but none hinting at any obligation on the grantee to concede. In this document which I have from a client (and the terms of which correspond almost word for word with those of every subsequent brevet of ratification that I have been able to procure) the King expressly recites the Seignior's obligations as the following, and no other:

"To render Foy et hommage at the Castle of St. Lewis at Quebec, of which they shall hold under; (to pay) the ordinary dues; to preserve and cause to be preserved the oak trees proper for the construction of vessels of the king; to give notice to His Majesty or to the Governors and Intendants of the said country of mines, ores and minerals, if any be found in any part of the said concessions; to keep hearth and home, and to make their tenants do the same, failing which the grants shall be reunited to the domain of His Majesty; to clear and cause the said lands to be cleared; give space for roads necessary for the public good; to leave the beaches free, except those which they may want for their own fisheries; and in case His Majesty shall need any part of such lands, for the construction of any forts, batteries, places d'armes, magazines or other public works, His Majesty shall be entitled to take the same, as also all trees that may be necessary for such public works, without having to make any compensation therefor."

In all this, most surely,--in all, I repeat, that is to be found in all the grants to this date,--there is no word indicative of the imposition on the Seigneur of any obligation to sub-grant his lands on any particula[r] terms, or indeed to subgrant them at all.

We come, then to the arrets of Marly, of the 6th July, 1711, promulgated in Canada in December, 1712. It need hardly be observed that there are two arrets of that date; one aimed at the Seigniors; the other at the censitaires. Before speaking of the precise terms of these arrets, I must remark on some matters of fact only of late brought to light, and which are established by the extracts of correspondence printed in the last of the four volumes laid before this Honorable House. From the second of these extracts,⁵⁵ it appears that in 1707, Mr. Raudot the elder, the then Intendant, wrote to the minister complaining of many abuses, as he thought them, which prevailed in the country, and especially stigmatized the esprit d'affaires and of law suits which had taken possession of the people. According to his ideas, it was necessary, in order to put a stop to all this litigation, to introduce an entirely new law, establishing an absolute five years prescription, by which all sorts of people should be prevented from bringing all sorts of suits; for, said he, unless this universal litigation is put an end to, the most dreadful results to the colony must follow. Then he turns upon the seigniors, and says that many habitants have settled on land on the bare word of their seigniors, without deeds setting forth any conditions, and that the consequence is that these habitants have been subjected to rents and dues of a most onerous character; the seigniors refusing to give deeds except at charges which the censitaires ought not to be compelled to pay. This, says he, has caused the dues to be different in almost all the seigniories; in some, one rule prevailing; in some, another. He further complains that it has become usual for Seigniors to stipulate in their concession deeds, the droit de retrait, a right which he characterizes as inadmissible under the Custom of Paris. On this last point, I should observe that that Custom does give the right of retrait as regards land held en fief; that is to say, whenever such land may have been sold, the Superior Lord may by the Custom come in and take it at the price paid,--as not being obliged to accept of any vassal whom he may not like. The custom does not accord him such rights, as regards land held of him en censive; but it does not preclude his agreeing with his censitaire for its exercise. Such agreements were always common; and whenever made, were valid. M. Raudot was merely wrong in his law on a most obvious point, when asserting the contrary.

He goes on to say:--

[10] "There are grants in which the capons paid to the seigniors are paid either in kind or in cash, at the choice of the seignior. These capons are valued at thirty sous (fifteen pence,) and the capons are not worth more than ten sous. The seigniors oblige the tenants to give them cash, which they find very inconvenient, as [t]hey frequently have none: for, although [*sic*] 30 sous appear but a trifle, it is a great deal in this country where money is very scarce; and moreover it seems to me that as to all dues, when there is a choice, it is always in favor of the party owing cash being a species of penalty against him when unable to pay in kind.

"The seigniors have also introduced in their grants the exclusive right of baking or keeping oven (four banal), of which the inhabitants can never avail themselves, because of the habitations being at great distance from the seignior's house, where this oven must be established."

Raudot then, proposes that all these things should be changed and a new settlement made--as to all sorts of matters. Some of his proposals,--as for instance, that for suppressing the four banal, were not unreasonable; but others of them were absurd; and one in particular--for the reduction of all Seigniorial rents, past and to come, to one low uniform rate was (to say the least) a pro-

posal to interfere with contracts and established rights of property, in a manner utterly indefensible.

The next document in the same volume⁵⁶ is a letter, or part of a letter from M. dePontchartrain in answer to this despatch; a diplomatic note, intimating a civil disposition on the part of the Minister at home to act on the recommendations given him; but asking for more information.

Following this, in the same volume, are two notes⁵⁷ from Pontchartrain to Messrs. Deshaguais and Attorney General D'Aguesseau--two lawyers; in which the minister requests those two gentlemen to draft an edict on the subject.

The importance of these two notes, however is not obvious;⁵⁸ as there is nothing to show that any such edict ever was drafted--and it is at least quite certain none was ever passed.

M. Raudot, in the meantime, in 1708, sent home another letter,⁵⁹ accompanied by a memoir showing the various rates, which prevailed in different seigniories. This memoir has not been printed, and it seems has not been found; but this much is clear, that in 1708 Raudot informed the King that the dues paid to the Seigniors were most various, and many of them most onerous, considering that at the time there was little or no money in the country--that they were, in fact, so various and so many, that he sent home this memoir with the recommendation to bring all to the same level, and this by way of reduction, in order to go back to the early days, les temps d'innocence as he called them when all the rates were low. To these two papers, we have no answer of Pontchartrain. There is a short document, dated 1711,⁶⁰ which has no reference at all to the matter of Raudot's letter; and after that we have no extracts till the year 1716.

Did I say, we have no answer?--I am wrong. We have the King's own answer, in these arrets of Marly, of the year 1711; showing how extremely small a fraction of all M. Raudot's sweeping recommendations His Majesty saw fit to regard with any sort of favor. The former of these arrets of Marly, that which is directed against the Seigniors is in these words:--⁶¹

"The King being informed that among the tracts of land which His Majesty has been pleased to grant and concede in seigniorly to his subjects in New France, there are some which have not been entirely settled, and others on which there are as yet no settlers to bring them into cultivation, and on which also those to whom they have been conceded in Seigniorly, have not yet commenced to make clearings for the purpose of establishing their domains thereon:--

"And His Majesty being also informed that there are some seigniors who refuse, under various pretexts, to concede lands to settlers who apply to them, with the hope of being able to sell the same, and at the same time impose upon the purchasers the same dues as are paid by the inhabitants already settled on lands, which is entirely contrary to His Majesty's intentions, and to the clauses and conditions of the concessions⁶² by which they are merely permitted to concede lands subject to dues (à titre de redevances) whereby very great detriment is done to the new settlers, who find less land open to settlement in the places best adapted to commerce;

"For remedy hereof [sic] His Majesty, being in his council, has ordained and ordains that, within one year at the farthest from the day on which the present arret shall be published, the inhabitants of New France to whom His Majesty has granted lands in seigniorly, who have no domain cleared and who have no settlers on their grants, shall be held to bring them into cultivation and to place settlers thereon; in default of which it is His Majesty's will that the said lands be reunited to his domain after the lapse of the said period, at the diligence⁶³ of the Attorney General of the superior council of Quebec, and on the judgments (ordonnances) to be given in that behalf by the governor and lieutenant general of His Majesty, and the Intendant in the said country;

"And His Majesty ordains also, that all the seigniors in the said country of

New France have to concede (ayant à concéder) to the habitans the lots of land which they may demand of them in their seigniories, subject to dues (à titre de redevances), and without exacting from them any sum of money as a consideration for such concessions; otherwise, and in default of their so doing, His Majesty permits the said habitans to demand the said lots of land from them by a formal summons, and in case of their refusal, to make application to the Governor and Lieutenant General and Intendant of the said country, whom His Majesty enjoins to concede to the said habitans the lands demanded by them in the said seigniories, for the same dues as are laid upon the other conceded lands in the said seigniories; which dues shall be paid by the new settlers (nouveaux habitans) into the hands of the receiver of His Majesty's domain, in the City of Quebec, without its being in the power of the seigniors to claim from them any dues of any kind whatever."

[11] What, now, does this arrêt amount to? The King is told that certain seigniors have not granted and settled their lands; and he says, if they do not do so, he will take their seigniories away from them,--a proceeding which he had threatened before, but had never carried out. This course, however, was to be taken through the agency of the Attorney General as prosecuting officer, by the Governor and Intendant acting conjointly. The King further says that he learns that certain seigniors refuse to grant, unless they get cash payment, and so keep back the settlement of the land; which being contrary to the royal intention, he orders that they shall be bound to make the grants without any payment in money. The word used to express the dues which were to be stipulated is not cens, but redevances, a general word, which does not necessarily⁶⁴ [imply] a holding à titre de cens. I do not say that this kind of holding was not present to the mind of those who drafted the arrêt; but what I do say is that the thing intended was merely that the seigniors should be compelled to grant on credit, instead of demanding a consideration in cash. If it was intended that the grants must be à titre de cens, why was not the appropriate and definite word employed? If it were intended to fix a constant rate, why was not that rate mentioned? Raudot, as we have seen, in 1707 and 1708, called attention to the variety of rates; and yet, well acquainted with these circumstances, and after his minister had called on MM. Deshaguais and D'Aguesseau to draft an edict, what does the King do? Do we find him say, you shall concede at so much, à titre de cens? Not at all. You are to concede, he says, for redevances--and this without exacting ready money. What again is the one penalty imposed? It is explicitly stated in the edict. The Attorney General shall prosecute you, it says to the seigniors, and shall confiscate your land, if you fail to settle it; and if you refuse to concede at redevances and insist on cash, we permit the habitants to implead you. What was to be done then? Was the land to be granted at a fixed rate? Not at all; we know the king knew there was no fixed rate, for that had been brought under his notice. It was to be granted by the Governor and Intendant acting conjointly, and this for the Crown--not for the Seignior--and it was to be so granted at the rates of the other lands in the seignior. These were vague words, which might do when the officers of a despotic master had but to refer to him on all occasions to find out his will; but are altogether too uncertain for any legal purpose now. The fact was, the seigniors were by law at liberty to do what they pleased.⁶⁵ If any seignior indeed, instead of refusing to grant, asked some perfectly enormous rate of rent, that might probably have been taken, according to the spirit of the law, for a refusal. I admit so much. And the Governor and Intendant might then have granted the land, that is to say, if really the arrêt were ever acted upon. But let me repeat; the arret did not make it illegal to dispose of land otherwise than by grant à cens. It was only in case upon application the seignior refused to grant,⁶⁶ that the law became applicable, and his land grantable by the Governor and Intendant; in which case the dues were to be paid to the crown and not to him.

But this arrêt was coupled with another;⁶⁷ and how is it that those who are so anxious to enforce the first do not wish to enforce the second also? This second arrêt sets forth, that the King had been informed the censitaires did not live on their grants; and his Majesty then orders that in case the censitaire did not settle and clear, on a simple certificate from the curé and captain of the côte that such and such a man was not keeping hearth and home, the Intendant alone was to escheat the land.⁶⁸ Thus any number of censitaires not keeping hearth and home could be, on an ex parte proceeding, ejected from their holding. This arrêt, unlike the other, was frequently acted upon. Sometimes the Intendant was kind and granted delay; at others, however, he escheated the land without any delay at all, according to the terms of the arrêt. The first of these laws, note, was not nearly so stringent as the other. When the seignior was in fault, it required the Governor and Intendant to bring him to justice. When the censitaire failed to fulfil the conditions of his grant, nothing was required but the authority of the Intendant, acting upon the certificate of the curé and the captain.

This legislation of 1711 was all that really took place on the representation of M. Randot [sic].

The extracts which I find in the same volume, taken from letters bearing date in Nov. 1711 and March 1716, I pass over without remark, because they have no reference to anything in controversy here. The latter merely relates to the making of a rent roll of the domain of the crown.

Next comes an extract, a single sentence, having reference to the censive of the Island of Montreal, a purely local matter; and this again is followed by a sentence from another document, which also calls for no present remark.

The two documents next following (on pages 15 to 18 of the same volume) are, however, documents of much importance. They purport to be, the one a minute of the proceedings, or of part of the proceedings had at a sitting of the Conseil de la Marine (the Board of Direction of what was then the French Colonial Office) held on the 9th of May, 1717,--and the other a copy of a draft of an arrêt which at that sitting that Board resolved to recommend to the King.

It would seem from these papers, that Begon, then the Intendant, (for Raudot had ceased to be so,) had made some representations, which unfortunately are not printed, on a variety of matters; and that he had complained greatly of a number of practices characterised by him as abusive. Among other such matters, he seems to have represented that a droit de retrait was sometimes stipulated, so sweeping in its range as to give the seignior a right of pre-emption of all manner of articles that his censitaire might have to sell. I remark particularly on the onerous character of some of these charges, because they show the absurdity of the assertion frequently made, that onerous demands have been made by the seigniors only since the cession of the country. It is common to say that everything which is obnoxious connected with the tenure took its rise after the cession. Here, however, we find that long before that date, clauses much more stringent and odious than any that now prevail were complained of, and were even not reformed by those in authority. I say they were not reformed; because though the Council of the Marine passed a vote to set all these matters right, yet the arret contemplated by that vote was never passed into law. It was a document which had the sanction of the Count de Toulouse, Admiral of France, and of Marshal D'Estrées--doubtless a very good sailor and a very good soldier--and it was worthy of their naval and military education. A number of its clauses are so singularly contrary to every notion of [12] law, that it is impossible it could ever have been promulgated with the force of law. In truth it never was an arret--a draft of an arret it may have been, an arret it never did or could become. One thing is worthy of remark, that neither in this minute of the Council of the Marine, nor in this draft, nor in the arrets of Marly, is there any proposal to interfere with any past contracts, or even to regulate future

contracts, in so far as the amounts or kinds of dues stipulated or to be stipulated (various as these were known to be) were in question. There is no trace of the notion of acting on the proposal of M. Raudot, to equalize the rate of cens et rentes all over the country.

That this draft of an arret, such as it was, never really so much as had the Royal sanction, is a fact still further evidenced by the next extract to be found in the same volume. This extract is short, and yet must be read two or three times, in order to ascertain what it means. It is part of an instruction from the King to the then Governor and Intendant,⁶⁹ and (rendered into English as closely as I can render it) read thus:--

"* * The attention they are to pay to the execution of the arrêt of the 6th July, 1711, which reunites to the domain of the Crown the seigniories that are not inhabited, and to the obliging of seigniors who have lands for concession within the limits of their seigniories to concede them, is very necessary for the settlement and augmentation of the colony. They are to prevent the seigniors from receiving cash for the lands which they concede in standing wood, it not being just that they should sell property on which they have laid out no money, and which is given to them only to get it settled, (qui ne leur est donné que pour faire habiter)."

These words show what the Crown meant by the arrêts of Marly. Here is the Crown's own gloss on the Crown's arrêts. They were to prevent the seigniors from taking money for lands conceded en bois de bout. Not that there was a fixed rate at which lands were to be granted; but that money was not to be taken for wild land. Most surely, such a letter as this proves that the draft proposed by the Minute of 1717 could never have passed into law:⁷⁰ had that been the case, these instructions could never have been written.

The next extract, of date of 1719 is only interesting as showing that in 1716 the crown sent orders to the colony to cease granting seigniories. The despatch conveying these orders is not printed; though curiously enough, an uninteresting extract from a letter of the same date appears in this collection.

I pass on, then, to speak of the terms of the grants made after the date of the arrets of Marly.⁷¹

I have already stated, and any body who will study the grants before the date of those arrets, may verify the assertion, that none of those grants imply the condition to sub-concede in any manner or to any body. The only obligations are on the grantees themselves, and those to whom they may grant, to do certain things--there is no obligation to sub-grant at all. Coming to the grants since that period, I find that they are ninety in number, of which thirty-five are not here to be counted, as being either not in Canada, or as revoked, or for other causes. Of the fifty-five which remain, fifty-one have been printed, and I have procured copies of three others; so that we have the terms of fifty-four. These form nearly one-fifth of the total grants now in force, and they cover some 3,000,000 of arpents, or three-tenths of all the land granted en fief.

In 1716, as I have stated, the king prohibited the granting of more seigniories in Canada. And from the date of the publication of the arrets of Marly, to that of the enforcement of this order, five seigniories only were granted. One of these, granted in 1713,⁷² seems never to have been taken possession of. Another, of the same date,⁷³ was that of an augmentation of Beloeil. Singularly enough, these are printed as embodying an unintelligible combination of the fief and censive tenures; the grants purporting to be en fief, and yet subject to a nominal cens. I suppose this a clerical error. But this is of no consequence for my present argument. All I need observe as to these grants is, that like the older grants, they contain no clause hinting at any obligation to sub-grant.

The other three grants of this period, however, do contain clauses, which if sanctioned by the crown, would have changed greatly the character of the

grants, as compared with preceeding [sic] grants. The first of these in order of time was the grant, in 1713, of a small augmentation of a seigniority in the district of Quebec; and is printed on p. 64 of the 1st of the volumes laid before this Hon. House. This grant provides that the grantee shall concede the said lands at redevances of twenty sols and a chapon for each arpent of front by 40 in depth, and six derniers of cens, without power to insert in the said concessions either any sums of money or any other charge than that of the mere title of redevances, and those therein above mentioned, agreeably to the intention of his Majesty. Here re-appeared the idea which Raudout [sic], the former Intendant, had desired to carry out by an edict; but which the king would not carry out.

The year following, a second grant was made, of the large seigniority of Mille Isles, in the district of Montreal. And here again a like clause appears; but with this remarkable variation, that whereas in the grant last above mentioned the rate is fixed at 20 sous and a chapon per arpent of front by forty in depth, in this one, of Mille Isles, the fixed price is twenty sous and a chapon for one arpent by thirty. But what is more remarkable is, that this clause was left out in the ratification; showing that the king never had ordered, and did not even sanction its insertion. This brevet of ratification is not printed; but I have been fortunate enough to ascertain the fact of its having been granted in 1716, and also the fact that, while it purports to recite at full length all the conditions of this grant, the clause in question is omitted from it!⁷⁴

The last in date, of these three grants, is that of the Seigniority of the Lake of Two Mountains to the Seminary of St. Sulpice. This grant contains the same clause as the preceding, except that the rate is calculated on a depth of 40 arpents instead of 30 arpents; and now comes out another fact of the utmost interest and importance. From the extracts from these titles, printed some years ago in the Appendix to the Report of the Seigniorial Tenure Commissioners,--and from copies of the titles themselves which I have myself procured, I find that in the brevet of ratification of this grant by the King, which was issued in 1718, this clause was--not indeed wholly omitted--but very materially altered, by the King. In the first grant by the Governor and Intendant, the clause reads as I have stated. But in [13] the letters patent of the King it is made to read thus:

--"On condition * * of conceding the said lands which shall be uncleared (qui seront en bois debout,) on the terms specified in the first grant, but with the added clause--'permitting them, nevertheless, to sell or grant at higher dues (à redevances plus fortes) any lands whereof there may be as much as a fourth cleared.'"

It is, then, perfectly apparent, that when the King saw this grant, he did not choose to make the terms so stringent. He said, you must grant your wild lands at this rate, but you may do what you please with any lands which have been partially cleared.--I shall show presently that some years later His Majesty went much further in the way of relaxation, of even this modified requirement, in favor of these grantees, and with reference to this very Seigniority.

In the meantime it is clear that in these grants the King would not insert this clause. It is not in the ratification of Mille Isles at all, and in that of Two Mountains it is cut down to half its original meaning. As to his intentions on this head, some further evidence is to be drawn from the fact, that on the very day of the date of the arrêts of Marly, he ratified (by a brevet of confirmation, of which one of my clients has furnished me with a copy) as many as eleven anterior grants, adding new clauses not to be found in the originals, for the purpose of reserving land for forts, &c.; but not putting in this clause,--and this too, notwithstanding the brevet in question, purports to set forth in detail all the conditions under which the grantees were to hold.

Again, five years later, in 1716, I have ascertained that he did precisely the same thing in two other brevets of confirmation then granted, for concessions originally made in 1702, of the two Seigniories of Soulanges and Vaudreuil. One of these last mentioned documents is printed in the papers laid before this House.⁷⁵ The other I have procured.

In one word, the case is clear, that the insertion of this clause by the Governor and Intendant in these three instances, was their own unauthorized act--dictated by a wish on their part to carry out a policy of control over the Seigniors, far beyond any thing warranted by the arrêts of Marly, or even contemplated by the King; and that the King in fact never even sanctioned it in any way.

I say never; and the next step in the proof of this is to be found in the circumstances of the next grant made after that of Two Mountains. I refer to the grant of an augmentation of Maskinongé⁷⁶ granted to the Ursuline ladies of Three Rivers in 1727; up to which year no grant had been made since 1717. I have already mentioned that all further grants had been stopped in the latter year;⁷⁷ but in 1727 Beauharnois and Hocquart, Governor and Intendant, took on themselves to make this small made [sic] to the Ursulines of Three Rivers. It was a very peculiar one, and contained the obligation to concede; but in the present case the rate varies again, and becomes twenty sous and a capon for one arpent by--neither forty nor thirty--but, this time, twenty arpents of depth. I have the confirmation, furnished me by the Seignioresses, and it does not contain this clause. Like the other confirmations I have mentioned, it purports to recite all the grantees' obligations; but the King would not put into his grant what his Governor and Intendant had put there upon this head.

Yet again, in 1729, the King made a grant of his own mere motion--the first grant of the Seignior of Beauharnois; which was afterwards granted again in 1750, and which appears in the second volume of documents, p. 260.⁷⁸ This grant gives six leagues by six leagues to the Governor and his brother; and I need hardly say that it does not oblige the grantees to concede, nor indeed to do any other thing than clear the land and profit by it. The grant was meant to be a magnificent endowment to a man whom the King had chosen to raise to the government of the country.

Farther evidence will still be found, the more we examine into the acts of the King in this respect. On page 140, of the same second volume, will be found an Ordonnance of the Governor and Intendant, by which on the petition of Louis Lepage, the Seignior of Terrebonne, those officers⁷⁹ declare that, "waiting the order of His Majesty, and under his good will and pleasure, we have allowed and do allow the said petitioner to continue his settlements to the depth of two leagues beyond that of his said seignior, to take out pine and oak timber, and to make such roads as may be necessary for the drawing out of the same, and we prohibit all persons from molesting or disturbing him until the will of His Majesty be known." The recitals in this document set forth that Lepage had been lumbering extensively, and manufacturing pitch and tar, and was under contracts for the public service, and in fact wanted more land and especially more wood-land for all these purposes. Whereupon, instead of granting him more, they say that having seen the concession of the Seignior of Terrebonne, waiting His Majesty's order, they grant him this permission. No title of Terrebonne nor of its augmentations appears in any of the volumes laid before Parliament. I suppose the register is in a state of confusion, and that from some difficulty of this kind it has happened that neither the extraordinarily liberal grant of Terrebonne, nor the actual title of this augmentation, now called Desplaines, have been published. I have, however, obtained a copy of the King's grant thereafter made in 1731; and I find that, after the same recitals, it concluded thus:--

"Having respect to which, and wishing to facilitate to the said Sieur Lepage de St. Claire the means of sustaining establishments which cannot be other than useful for the colony, His Majesty has conceded, given, and made over a territory of two leagues, to be taken in unconceded lands, in the depth and on all the front of the said Seigniory of Terrebonne, to enjoy for himself, his heirs, or ayant cause, as his and their own property, (comme de propre) and this with the same rights that belong to his said Seigniory, and under the same dues, clauses, and conditions with which it is burthened."

This Seignior, then, wanted a large tract of land for lumbering and making pitch and tar, and not for mere agricultural settlement. It is granted to him on the same charges and conditions as the seigniory of Terrebonne; and these are just none at all. The grant gives mines, rivers, and everything else, out and out, and nothing was imposed but the duty of planting bornes within a certain time; yet this grant is of 1731, twenty years after the date of the arrêts of Marly, and at a time when the Governor and Intendant were putting in clauses, far more restrictive, which the King was leaving out. At this [14] very time, I say, the King himself gave this grant to a man for the purpose of lumbering, under a title as free as that which was granted to his predecessor by the company of the West Indies, sixty years before.

But I must return to the Volume of Extracts of Correspondence; the 4th of those laid before this House. The extract next following those on which I have already remarked, is one dated 1727, which calls for no remark beyond the observation that it relates merely to the question of a particular Seignior's claim to what were known as the droits d'échange. By the custom of Paris, a seignior was entitled to lods, that is to say, to a fine of a twelfth part of the price, in case of any mutation by sale, or by contract equivalent to sale. But on exchanges there was no such right, till the French King created it,⁸⁰ and sold it (when he pleased) to the seigniors.--An edict, anterior to the date to which we have now arrived, had granted this right to the Seminary of Montreal, and a question had arisen as to the circumstances under which the Seminary had so acquired this privilege--a matter of no interest at present.

The next extract in order of date⁸¹ is equally irrelevant, though on another subject. It is part of a despatch to the Governor and Intendant, of date of 1730, and states that upon a report by the Minister on a number of decisions of conflicting tenor which had been rendered in Canada by the Intendant and his predecessor,--

"His Majesty has thought necessary to make his declaration hereunto annexed, in interpretation of the 9th article of that of the 5th July, 1717. He ordains that without regard being had to the ordinances of the said Sieurs Begon and Dupuy, the cens, rentes, dues and other debts contracted before the registration of the declaration of the said 5th day of July, 1717, when money of France, or Tournois, or Parisis, is not stipulated, shall be paid in money of France, deducting one fourth, which is the way of reducing the currency of the country to that of France; and that when money of France, or Tournois or Parisis is stipulated, they shall be paid in money of France without any deduction. You will please to have the same published and registered, and you will take care that it be strictly executed."

This declaration of 1717 is not--and I thus mention it to say so--is not the draft of arret of the same year, printed in this volume, and upon which I have already remarked; but a declaration really issued by the King at the time in question, on quite another subject. Before 1717, there was current in the Province a sort of debenture money, called monnaie des cartes. This had become very much depreciated, and the King called it in; declaring at the same time that all debts incurred during its prevalence should be paid in money of France, but subject to a deduction of one-fourth. Under this regulation, a

number of troublesome suits had taken place, on questions whether certain particular dues were to be paid in full, or not; and this state of things had given rise to several arrets⁸² utterly inconsistent with each other. It was plain that the rules of the country did not know what to do in the matter. By this declaration, therefore, the King said, on the representations which you have sent home, I have felt⁸³ it necessary to issue an explanation hereto annexed. This last document is in print, and well known; and it shows what the King meant should be done as to these payments, but it has nothing to do with any matter now in controversy.

The next of these extracts⁸⁴ bears date in October 1730; and it is of great importance. It is a despatch from Messrs. Beauharnois and Hocquart, to the Minister at home, and is in these terms:--

"During our late stay in Montreal, complaints were made by several individuals, that the seigniors refused to give them grants in their seigniories, under various pretexts, although bound by the arrêt of the Council of State of the month of July 1711, to make such grants to the habitans who may require them, under provision in the event of refusal, that such habitans may apply to the governors and intendants of the country, who are commanded by His Majesty to grant to the said habitans the lands required by them. We have the honor to report, that upon this subject a variety of abuses have been introduced, as well by the seigniors as by the habitans, which are equally contrary to the arrêt of the Council of State of 1711, and the settlement of the colony. Some seigniors have reserved considerable domains within their seigniories; and under the pretext that these lands form part of their domain, have refused to concede the lands therein which have been demanded by way of grants, believing they were entitled to sell, and have in fact sold, the same. We have also observed, that in the partition of seigniories among co-heirs, such of them as have not the right of jurisdiction (droit de justice) or the principal manor-house, ceasing to hold themselves out as the seigniors of the fief, refuse to grant to the habitans the lands which are required of them within the portion which has accrued to them, and deem themselves to be without the operation of the arrêt, which requires seigniors to concede, and on the contrary believe themselves entitled to sell the lands which they grant.

"Another abuse has arisen on the part of the habitans, who having the right of obtaining concessions from the seigniors, after having so obtained lands, shortly after sell them to others, the effect of which has been to establish a sort of trade (une sorte d'agiol) in the country, injurious to the colony, and not furthering the settlement and cultivation of lands, but tending to foster habits of indolence among the habitans; a practice to which the seigniors are not averse inasmuch as lods et ventes accrue to them on the sale of such lands; in this way a number of grantees do not reside upon their grants, and the seigniors are not anxious to reunite them to their domains, and when such re-union is demanded, those who are in possession cannot recover back the sums of money paid by them.

"We are therefore of opinion that by way of maintaining the arrêts of the Council of State of 1711, it would be well to render another prohibiting seigniors, and all other proprietors, [15] from selling wild land, on any pretext whatsoever; under penalty against the seigniors and proprietors of all lands so sold, of the nullity of the deeds of sale, the restitution of the price thereof, and deprivation of all right of property in the said lands, which should be, de plein droit reunited to the King's domain, and reconceded, by us, in his name.

"It is true that generally the seigniors concede, or pretend to concede, their lands, gratis; but those who evade the provisions of the arrêt of the Council take means to obtain payment of the value of such lands, without its appearing upon the fact of the deed; either by obtaining obligations from the

grantees for sums pretended to be due them for other considerations, or under color of some inconsiderable clearing without cultivation, or under pretence of natural prairie land found upon the grant.

"If it had pleased M. Hocquart to adjudicate upon all the contestations arising from the abuses which we have had the honor to bring under your notice, he would have disturbed a number of families and have given occasion to considerable litigation. He has deemed that the grantees, not having taken advantage of the provisions of the arrêts of the Council which were favorable to them, it was altogether attributable to them if they have paid sums of money for the grants made to them, and that they are not entitled to recover them back, according to the maxim of law: Volenti non fit injuria.

"We believe that it is for the advantage both of the seigniors and of the habitans, to allow matters to remain in their present state, awaiting the arrêt of the Council which we have the honor to request; and not to alter the practice which has heretofore obtained. It would nevertheless appear to us equitable, that in the event of clearings or natural prairie land being found, the seigniors should derive the advantage thereof, and that in the grants made by them such clearings and prairie lands should be indicated, as well as the amounts received by them from the grantees.

"The wild lands are becoming valuable in this colony, inasmuch as the grantees in the front ranges require wood, and are under the necessity of asking for grants of land in the third and fourth ranges, to supply this want. The generality of the habitans are not aware of the provisions of the arrêt of the Council touching them in relation to this matter. Mr. Hocquart has caused some of the principal among them to be informed upon the subject, without causing publication anew of the arrêt. Before doing so, he awaits the orders which we shall receive from you during the ensuing year."

It is only justice to Messrs. Beauharnois and Hocquart to observe, that in all this they do not propose to destroy existing contracts; but adhere to the sound principle, volenti non fit injuria. The proposal they made was to render the sale of wild lands a kind of crime, to be visited by the penalties of nullity, and so forth. As to the arret of Marly, their understanding of it was most manifestly just that which I have given to it--nothing more nor less. It told the habitant, if the seignior refused him, to go before the Governor and Intendant, and get from them a concession; but it still left him in this position, that if he chose to go and make a contract with the seignior, he must put up with the consequence. So understanding, they go on to recommend that for the past everything should be left as it was, and then propose the new law, which they think should be made about wild lands.--If any proof were wanting that the arret of Marly had fallen into desuetude, this letter would furnish it; for it would appear that in 1730, it was so little known, that Hocquart had to explain its provisions to some of the chief habitans--a mode of procedure, perhaps less open to comment then, than the like conduct on the part of a public functionary of like rank would be now.

In reply to this despatch, we have next, in the same volume,⁸⁵ a letter, or rather extract from a letter, addressed by the minister to Messrs. Beauharnois and Hocquart, reminding them that they had been somewhat remiss in the matter of the making up of the Papier Terrier, or Crown Rent Roll of the Colony, and expressing a disposition to resort to a line of policy not very closely corresponding with that recommended by them.

In their answer to this, of October, 1731, the next in order of the extracts under review,⁸⁶ these gentlemen excuse themselves for not having forwarded the terrier, and say that the fault was not theirs, but that of some of the vassals of the Crown; and they go on to say that what they had suggested might be done without waiting for this; adding--"In respect of the concessions accorded to the habitans by the seigniors, M. Hocquart has governed himself, up to the pres-

ent time, by the arrêt of the 6th July, 1711, and since he has been in Canada, has pronounced the reunion of more than 200 concessions to the domain of the seignior, in default of the habitans observing the duty of keeping hearth and home." From which we see that these ministers of the crown--who had never acted on the first arrêt of 1711, who had never granted a seignior's land to a censitaire--had acted on the second arrêt of the same year in 200 cases. The first arrêt, in fact, never was acted on as law; the second was constantly so acted on.

The first representations of Raudot in 1707 and 1708, as we have seen, were scarcely, if at all, acted upon, in the framing of the arrets of Marly in 1711; but these representations of 1730 by Beauharnois and Hocquart, renewed in 1731, produced full fruit in the arret of 1732, which was passed in exact accordance with their suggestions. This arret declares that there shall be a new comminatory publication respecting the escheating of lands;⁸⁷ and then, to prevent the double abuse of sales of wild land by seignior or censitaire, there is a farther declaration that all sales of land en bois debout shall be null, that the purchase money paid shall be recoverable from the party taking it, and that the land so sold shall be escheated to the crown. The fact, that it was necessary in 1732 for the King to legislate in this manner for I admit the power of the King to legislate--proves that in 1711 he had not so legislated. True, he had then said that the seigniors [sic] should concede, or their lands might be conceded, to their loss; but he did not say [16] if they do not concede but sell, the sale shall be null. He merely gave a certain remedy in case of refusal. Now, he promulgates a new penalty; which was the re-annexation of the land to his domain, in order to punish the one offence, which he desired to put an end to, that is to say, the sale of wild land. It seems that a notion prevailed in those days, that if one allowed land to be sold without its being cleared, it was less likely afterwards to be cleared, and that the edict against the sale of land en bois de bout, was thus likely to promote the clearance of the country.

I pass to a further piece of evidence, still tending the same way; and connected with the grant of Argenteuil. The document I am about to cite is not one of those laid before Parliament. I cannot even say whether or not it is to be found in the Provincial Archives. But I have a copy of it, authenticated by the signature of M. Hocquart; which the proprietor of that Seignior (one of my clients) has placed in my hands. And from it I am about to quote.

Argenteuil was first granted (or rather, the grant of it was first promised) by two short instruments, one signed by Duchesneau, (the then Intendant) in 1680, the other by the Comte de Frontenac, (then Governor) in 1682; both of which are printed in the first of the volumes laid before Parliament--on page 372. By these, those functionaries promised it to the Sieur d'Ailleboust to be held en fief, with all droits de justice attached thereto, and absolutely without condition or reserve,--so soon as the King should see fit to allow the country above Montreal to be settled.--The Seignior, as I need hardly say, is on the Ottawa; next above that of the Lake of Two Mountains, which latter was afterwards granted to the Seminary of Montreal, in 1717, and 1818 [sic],⁸⁸ as before observed.

For a number of years, settlement on the Ottawa continued to be forbidden [sic]. But in 1725 the widow of the original grantee was admitted to foi et hommage for the grant.

Shortly previous to this, a dispute had arisen between her and the Seminary, with reference to the line of division between their respective Seigniories. The Seminary contended that this line should be run in such a way as to cut off a large part of the tract which Madame D'Ailleboust desired to possess. The dispute was brought for trial before the Conseil Supérieur at Quebec, and that body decided in favour of the seignioress of Argenteuil; but among other propo--

sitions which had been put forward during the contestation, was this,--that the lady really owned no seigniorship at all; having no grant--but merely a promise of one. This being referred to the King, the result was a reply, under date of the 6th of May, 1732, from the Comte de Maurepas to the Governor and Intendant--of which the following is a literal translation:--

"I have received the letter which you wrote to me, on the 21st⁸⁹ of October of last year, with the paper which accompanied it on the subject of the contestation between the Seminary of St. Sulpice, and the Dame D'Argenteuil. On the report which I have made of the whole matter to the King, His Majesty is pleased to leave to the Dame D'Argenteuil the enjoyment of the Seigniorship in question, conformably to the boundary line fixed by the arret of the Conseil Supérieur of Quebec, on the 5th October 1722, on condition that she settle it, (qu'elle l'établira) that she do not attract to it the trade of the Indians, and so injuriously affect the propagation of the faith. You will take care to explain to her the intentions of His Majesty, and will not fail to give effect to them."

Thus it appears that Mad. D'Ailleboust was to have the seigniorship on certain conditions; but these did not oblige her to grant on any particular terms. It appears that the report went home, that this lady had began [sic] to clear upon her seigniorship; and the King replied that she was to continue to do so, but was not to draw to her settlement the Indian trade--so counteracting her neighbours' efforts in spiritual matters. This, and no more, the King insisted on. His Governor and Intendant had been inserting in their grants the clause requiring concession at fixed rates. The King had not done so,--did not do so in this case.

In the meantime, Messrs. Beauharnois and Hocquart had begun to put into their grants a new clause--the following:--"à la charge * * de faire insérer pareilles conditions dans les concessions qu'il fera à ses tenanciers aux cens et rentes et redevances accoutumées par arpent de terre de front sur quaaante [sic] de profondeur,"--"on condition * * of causing to be inserted the like conditions," (this clause follows several others requiring the grantee to preserve oak timber, give notice of mines, keep hearth and home, allow roads, and so forth) on condition, I say of the Seignior's causing the like charges to be inserted "in the concessions he shall make to his tenants at the cens et rentes and dues accustomed per arpent of land of front by 40 of depth."

This clause is vague--ambiguous even; may be read to mean, that the grantees shall sub-grant at some cens accoutumés; or as merely meaning, that when they shall so sub-grant, they are to put into their deeds certain clauses, held necessary on grounds of public policy. Beauharnois and Hocquart may have meant to put upon it the former meaning. But that is not the question. The clause is to be read and made out, as it stands; not explained into a something else, by any considerations from without. Limiting the terms of a grant, and this in derogation of the common law, the rule of law is clear,--that any ambiguity in it is to be interpreted favorably towards the grantee, restrictively of the limitation to be imposed.

Vague as it thus is, this clause was put by Messrs. Beauharnois and Hocquart, and their successors as Governors and Intendants here, into 45 of the subsisting grants of Seigniorships in Lower Canada. Three other grants, those of Grande Rivière in 1750, an augmentation of Rivière Ouelle in the same year, and an augmentation of Rimouski in 1751,--though granted here by the Governor and Intendant,--do not contain it, but simply declare the grantees to hold on the terms of their older grants. Another grant, during the same period, was made by the King himself; the second grant of the Seigniorship of Beauharnois, in 1750; and this also contains no such clause, but answers word for word to the earlier grant of 1729, already remarked upon. So that, between 1731 and 1760, there were these 4 grants in Lower [17] Canada made without this clause; and 45 with it.

But I come now to perhaps the most important point of all. How did the King deal with this clause? If in ratifying the grants which contained it, he qualified or explained it away, or wholly left it out, there can be no doubt as to his meaning in the promises.⁹⁰ And that he did so, I shall have no difficulty in proving. I begin by taking up the case of one of these 45 grants as to which we have (in the 4th volume, so often cited) some most interesting correspondence,--the grant of the augmentation of Two Mountains to the Seminary of Montreal. I need not repeat here what I have already said as to the circumstances of the grant of Two Mountains in 1717, and its ratification by the King in 1718, on easier terms than those first proposed by the Governor and Intendant; nor yet as to the after controversy that had arisen between the Seminary and the Seignioress of Argenteuil, as to the boundary between their properties, and the consequent decision of the King as to the terms on which the latter was to hold the Seignior of Argenteuil. The material new fact is, that in 1733, a grant was made by Beauharnois and Hocquart to the Seminary, of a large augmentation of their Seignior; and in that grant they inserted--not the clause fixing a rate of cens, which was first inserted in the grant of the Seignior in 1717, nor yet the modification of it which the king had put into his ratification, of 1718; but this last, new, ambiguous clause above quoted.

I was aware, before I saw the correspondence I am about to remark upon that the King, in 1735, did, by the terms of his ratification of this last grant, materially change the tenor of this clause. For the fact had been brought out, by the publication in the Appendix to the Report of the Seigniorial Tenure Commissioners, of extracts from the grant and ratification--showing such to have been the case. But till I read this correspondence, I was not aware how deliberately and advisedly this had been done, how attentively the matter was canvassed, how explicitly the King had put it of record on the occasion, that he would not do that which his servants in the colony were so bent on getting done.

To come then, to the first document of the series, on page 25 of volume 4. It is a despatch from the minister (his name not given) to Messrs. Beauharnois and Hocquart, and is dated the 6th May, 1734. It opens thus:--

"M. l'Abbé Couturier, Superior-general of the Seminary of Saint Sulpice, has applied for the confirmation of the grant which you made by order of the King, to that Seminary, on the 26th September of last year; but he at the same time prays that it may please His Majesty to explain some clauses inserted in that grant as well as in that which was made in 1717 to the same Seminary, and even to change others agreeably to the draught of a patent (bravet [sic]) which he has presented me. He has asked that the boundary line fixed for the Seignior of the Seminary may be altered, and that the same direction be laid down for it as for that of the sieurs de Langloiserie and Petit; and he has represented the necessity of doing so to avoid the contestations which might arise from diversity of the directions of the lines of those seigniories; that the clause which obliges the Seminary to preserve the oak timber fit for the building of the King's ships may be restricted to such oak trees as may be found on the parts of the seignior which the ecclesiastics of the Seminary may reserve for the principal manor house or domain, a restriction which he has represented as necessary for the settlement of the private grants to be made by the Seminary; that the clause may be suppressed which provides the penalty of re-union to the King's domain, in default of actual settlement (d'établir feu et lieu) within the year and day, on the grant; that the clause may also be suppressed which imports (porte) that the private grants shall be made at the usual cens et rentes for each arpent in front by forty arpents in depth; and as the same clause is found in the grant of 1717, he asks that it may likewise be cancelled; that the clause may also be suppressed, as useless, which provides

that the beaches be left free to all fishers; that the clause be likewise struck out which declares that if the King should hereafter want any parts of the land for the purpose of erecting thereon forts, batteries, parade grounds, magazines and public works, His Majesty may take them without being held to any indemnification; and he has remarked that this clause had been inserted in the grant of 1717, but was omitted in the patent of confirmation of 1718;--that the clause inserted as well in the grant of 1733 as in that of 1717, which declares that the ecclesiastics of Saint Sulpice shall hold their lands of His Majesty, subject to the usual rights and dues may be interpreted and restricted to simple fealty and homage at each new reign, releasing the Seminary, when need may be, from all dues of amortissement, prestation d'hommes vivants and mourants, and others, by reason of these grants; and finally that there may be added a discharge from the obligation to build a stone forth [sic] on the land granted in 1717, and an extension of that land to six leagues in depth."

On all these demands, the report of the Governor and Intendant is called for; and it is added that a copy of the draft prepared by the Seminary, and of the observations in support of it, accompany the despatch.

It is unfortunate, to say the least,--with a view to the right understanding of the whole matter,--that these all important documents are not printed. I have tried to obtain a copy of them in another quarter; but have not yet succeeded.

The answer of Beauharnois and Hocquart, however, is printed, au long: Much of it is of no immediate importance as regards our present subject. I cite, therefore, from it, for the present, only such parts as are.

The clause of the grant threatening re-union to the domain, in default of settlement,--I may observe en passant, is most explicitly declared to be comminatory. The Governor and Intendant (p. 30.) in so many words say, "the Ecclesiastics of the Seminary need give themselves no uneasiness about it."

As to the clause more particularly under discussion, I translate their language as exactly as I can. It is this:--

[18] "We do not know the reasons which induced his Majesty to fix, in the Letters Patent (brevet) of 1718, the depth of the grants at 40 arpents, and the amount of the cens et rentes. It was thought it would be agreeable to his intentions to insert only, in that of 1783; at the usual cens, rentes and dues, for each arpent of land in front by 40 arpents in depth.

"The observation on the justice and equity of proportioning the rentes and dues to the extent of the property, which may be more valuable in one place than another, merits consideration, and it appears to us that his Majesty might content himself with merely having inserted in the new patent to be issued; at the usual cens, rentes and dues, for each arpent of land.

"This vague expression will leave the Seminary free to grant more or less in depth, and at more or less cens et rentes in proportion to the extent of the lands, and even to their value. And as the usages are different in almost every seigniory, the terms 'usual' will only restrain the ecclesiastics from granting ordinarily, less than twenty arpents in depth, and from exacting higher rentes than twenty sous for every arpent in superficies, and one capon or its equivalent in wheat. With regard to the cens, as it is a very trifling due, which has been presumed to be established only to mark the direct seigniory, and which carries with it lods et ventes, the usual amount in Canada is from six deniers up to one sou for each arpent in front by the whole depth of the particular grants, whatever that depth may be.

"The statement in the memorial, that the seigniors in Canada, as every where else, have the right to grant à cens et rentes, whatever quantity of land and subject to whatever charges they please, is not correct as to the charges; the uniform practice being to grant at the charges above explained, or more frequently below them. If the right alleged were admitted [sic], it

might be abused by making grants, which ought to be, as it were, gratuitous, degenerate into mere contracts of sale."

It is impossible not to notice here, the strange style in which this document deals with the clause of the Brevet of 1718, as to the qualified obligation thereby imposed, of sub-granting wild lands in lots of a fixed depth, and at a fixed rate. The writers do not know how His Majesty came to fix upon that depth and rate! Why, the fact--as we have seen--is, that the King never had fixed either. It was the then Governor and Intendant, who did all that was done in that direction. The King had merely relaxed the rigor of their clause; so showing it to have been theirs, not his. In every other instance, so far as we can find, he had utterly ignored the clause.

Nor can one help noticing the frank admission made, that the Ecclesiastics were right in their proposition, that of right there ought not to be any requirement made for the subgranting of lots of any prescribed depth, or at any fixed rate. True, it is said that the Ecclesiastics were wrong in asserting (as it is manifest they had done, strongly) the absolute right of a Seigneur in Canada, as in France, to grant in any quantities and at any price he pleased; but all that is said against this proposition (one as clear in law as man could state) is--what? Why, that a "uniform practice" obtained to grant at certain charges, "or more frequently [sic] below them." Uuniform [sic] practice, oftener departed from than followed! Undoubtedly, it was usual to grant at low rates; for land was a drug and cheap. But everything proves there was no "uniform practice" of stipulating any particular rate; this particular despatch, no less than every other on the subject, that has been printed.

But, says the despatch, the proposed "expression vague" of a customary rent per arpent, will leave the Seminary free to do a good deal. "As the usages are different in almost every Seignior," all it will do will be to restrain the Seminary from "ordinarily" granting less than 20 arpents, or charging more than so much. The sequitur is hardly clear, and the word "ordinarily" is hardly without a certain significance of meaning. Was the restriction meant to be absolute, or was it not? If not, it was properly no restriction at all. For, how say what rule is to be followed as to its application? Yet, that it was not understood as inteded [sic] to be absolute, even by this Governor and Intendant, we have their own written words to show.

The answer of the minister is to be found in the despatch enclosing the brevet of confirmation, as granted by the King in 1735,--and which despatch is the next document given us in the same volume.⁹¹ The clauses of it, in reference to the matters I am presently discussing, are as follows:--

"The obligation of keeping hearth and home within the year on pain of re-union to the domain, has been expressed in it, agreeably to your observation; but this clause is not to be strictly enforced, and His Majesty relies on your prudence in this respect.

"He has been pleased to change the clause which you had inserted in your grant, and which is also found in the grant of the Lake of Two Mountains, with respect to the cens et rents [sic] of the private grants, and, in conformity with your advice on this article, it has only been declared in the brevet that these grants shall be made subject to the usual cens, rentes and dues for each arpent of land."

It is said here, the King has, as to this latter clause, issued his Letters Patent in terms of your suggestion. But, however courteous and accordant with diplomatic form, such a statement may have been, it happens not to have been the fact. The extract in question from this instrument has been printed in the appendix of the Commissioners Report (though, by the way, not quite correctly) and it is not in the terms indicated by this despatch. I have obtained a copy of the document; and the clause in question in truth, runs thus:--

"And on condition * * of causing to be inserted like conditions in the par-

particular concessions which they will make to their tenants, at the cens, rentes et redevances per arpent of land, usual in the neighboring seigniories, regard had to the quality and situation of the heritages at the time of the particular concessions; which also His Majesty wills to be observed for the lands & heritages of the seignior of the Lake of Two Mountains, belonging to the said ecclesiastics, notwithstanding the fixing of the said cens et redevances, and of the quantity of land in each [19] concession set forth in the said brevet of one thousand seven hundred and eighteen, to which His Majesty has derogated."

The "expression vague" then, of Messrs. Beauharnois and Hocquart, is not taken. It is made still more vague. I should rather say, it is made clear and unmistakeable. The King had been told that hardly any two Seigniories followed like rules. He qualifies the term "usual" (accoutumés) by express reference to neighbouring Seigniories, presumably varying in this respect. He will not at all limit the measure of the lots to be granted. He will not allude to any usual rates, without explaining that they are of course to vary with the quality and value of the lots to be granted, at the times of the concessions to be made of each.

What was all this, but in effect, to bid the Seminary make their own bargains, as occasion served. The limit really put upon them; what was it more than this, that if they should charge too high rates, they were to be liable to suit before the Governor and Intendant. But if any man agreed with them as to any rate,--was it meant to let him on the one hand keep the land, and on the other get relieved from payment? The law does not--common sense and justice do not--lightly pronounce the nullity of a contract. A Contract must be contra bonos mores, or explicitly prohibited by law on pain of nullity; or it is not null. He who has waived his right, by making a contract that he need not have made, such contract not being by law null, must abide the result. Volenti non fit injuria. So ruled this very Governor and Intendant, in regard to this very matter. One nullity only, they had themselves created,--the nullity of all sales of wild land by whomsoever made. Is even that nullity of force now? Is wild land escheated to the Crown, de plein droit, whenever sold?--Contracts never threatened with nullity, by anything purporting to read as law, are they null? Or rather--for that is the question here raised--are they to be maintained as valid contracts against the grantor, so as to vest the land in the grantee; and yet set aside as null in favor of the grantee, so as to free him from his obligation to pay, as he has voluntarily promised?

But to return. I have said, there were 45 grants in Lower Canada, made from 1731 to 1760, and having in them (as issued here) this ambiguous [sic] clause. We have seen how the King, en pleine connaissance de cause, saw fit to deal with one of them. How did he deal with the rest?

In the second of the volumes laid before Parliament, at page 239, will be found his brevet of ratification of one--that of Nouvelle Longueuil--bearing date in 1735, some months after that of the augmentation of Two Mountains above adverted to. It is a brevet drawn in the style, and as nearly as may be in the words, of those of somewhat earlier dates, of which I have made mention; and like them, purports to recite au long the obligations of the grantee. But it does not contain this clause. Precisely as in former cases the King had left out the unambiguous clause then put in by his officers,--so now, did he leave out this.

And this case is no exception to the rule. I have been able to obtain in all, 12 other brevets of ratification of different grants out of this total number of 45; and in every one of them, the case is the same. They are those of Rigaud, granted in 1733; an augmentation of Berthier, in 1734; Noyan, in 1735; the augmentation of Lavaltrie, in 1735; D'Aillebout, in 1737; De Ramsay, in 1740; the augmentation of Monnoir, in 1740; the augmentation of Sorel, in 1740; the augmentation of Lanoraie and Dautré, in 1740; St. Hyacinthe, in 1749;

Bleury, in 1751; and Sabrevois, in 1751. I have not been able to find one,--I do not, cannot believe there is one--that does not omit the clause.

I have shown, then,--to recount the facts as they stand, from the day of the date of the arrets of Marly,--that on that day the King certainly ratified 11 grants, in terms that imposed new charges on several of the grantees, but without inserting any clause at all bearing on this matter; that in 1716, he did the same thing as regarded two more grants; that in the same year he ratified the grant of Mille Isles, (issued here by his lieutenants with the clause of the fixed rate,) in terms not imposing that clause on the grantee; that in 1718, he materially relaxed its stringency, when ratifying the grant of Two Mountains; that in 1729, he granted Beauharnois, without it; that in 1731, he granted the augmentation of Terrebonne, known as Desplaines, not merely without any such clause, but, as one may say--absolutely without clause or restriction; that in 1732, he in effect granted Argenteuil, with no such restriction; that in 1733, he ratified the Ursulines' grant of an augmentation of Maskinongé,⁹² again omitting the clause of the fixed rate; that in 1735, in the case of the augmentation of Two Mountains, he cut down almost to nothing the newer ambiguous clause by that time contrived by his lieutenants, as to usual rates, and wholly struck out from the Two Mountains of 1718, the stricter clause then left in that grant; that in 13 other instances, ranging from 1733 to 1751, (being all the other instances as to which I have been able to find out what he did with their grants,) he uniformly omitted this ambiguous clause of his Canadian servants' insertion; and that in 1750, he issued his second grant of Beauharnois,--still, as ever, omitting it.

Is there, can there be, a doubt of the fact, that neither the one clause nor the other ever in truth had the Royal sanction? Or can there be a doubt that neither the Governors and Intendants here, nor yet the king and his ministers in France, ever took the arrets of Marly, to have fixed a rate of cens--much less to have made contracts for any higher rate illegal and null? The clauses were put in, to enable the Governor and Intendant to exercise a power known and felt not to have been given them by the arrets of Marly. Their insertion was never sanctioned. The king never meant to grant them--never did grant them--the power they thus sought to get.

One other point, in reference to this correspondence of 1734-5 about the grant of the augmentation of Two Mountains, may call for a word of remark. The Seminary, we have seen, complained of the clause requiring them to leave the beaches free with the exception of such as they should require for their own fisheries. In their letter, Messrs. Beauharnois and Hocquart had entered into some explanations as to the droit de peche [sic] in Canada, as to which I may have to speak hereafter [20]; and had in guarded terms recommended the maintenance of this clause. But what answer did the King make? "The clause concerning the freedom of the beaches has been omitted (retranchée.) You have observed that this clause, according to the construction put upon it in Canada, only meant that the seigniors should be bound to grant their tenants the right of fishing opposite their lands on condition of their paying a certain rate either in fish or in money; and you add that the liberty of fishing, to the tenants, must be favorable to the settlement of the lands, which would be less in demand if the new tenants were denied this right, by means of which they obtain a livelihood at the commencement of their clearings; but it is for this reason that it has not appeared necessary to express in the brevet the obligation of granting that liberty to the tenants; the matter, in fact, is one for private agreement between them and the seignior (c'est là, en effet, une convention particuliere [sic] entre eux et le Seigneur); and besides, the clause is not in the brevet of 1718."

If proof could be wanting, as to the meaning or effect of the omission in a brevet of ratification, of a clause inserted in the first grant,--it is here.

The minister declares that it is not the king's will to bind the Seminary to the observance of this clause. It is simply left out of the brevet. So left out, it is no longer a condition of the grant.

Another inference is no less obvious. So far from its having been the royal policy, as late even as 1735, to tie down seignior and censitaire to fixed rules, prohibitory of such reserves or other clauses as they might agree upon from time to time, we have here the royal declaration, on the one hand that the right of fishing was unquestionably one that the habitant by all means ought to have, but at the same time, on the other hand, that the king would not in this instance force the seignior to grant it. He is to be allowed freely to dispose of it, to get whatever he can for it. The relation of seignior and censitaire on all these matters, was to remain matter of mere contract.

So much for the King's views and conduct in relation to these matters. What as to those of his Governors and Intendants there?

Let me observe only, by the way, that this (properly speaking) is by no means the real question in the case. The king's officers here acted only in his name and by his authority. It was their fashion, of course, always to call whatever they did and said, the king's will. If it was not, if in any matter wherein his will was signified to them one way, they acted and spoke otherwise, they at all events could not thereby make the law other than what the king, as law-giver, declared and made it.

Another remark is this. These functionaries not only had no power of themselves, to make the law other and than what the king willed to have it; but, moreover, even when not exactly misrepresenting the royal will, they were not unapt to make mistakes as to the law, public and private,--which mistakes were by no means law.

For instance, in 1709, Mr. Intendant Raudot, whose plans (shortly before that time submitted) for the fixing of a uniform rate of cens, and doing a great many other things were not adopted by the Crown, as we have seen--Mr. Randot [sic], I say, issued an Ordonnance (to be found on p. 67 of the 2nd vol. of the old Edits & Ordonnances) by which he declared all Indians of the tribe or class called Panis, and all negroes escaping to this country, to be slaves. And in 1736, M. Hocquart, by another Ordonnance, (printed on p. 105 of the same vol.) declared that such slaves could not be manumitted otherwise than by Notarial Acte. Yet the Code Noir never was enregistered here; and the law of the land did not, in truth, recognize slavery. These Ordonnances never needed to be repealed; because, though practically for a time enforced, they never really had the force of law.

Again, as late as 1740, the same M. Hocquart, by another Ordonnance, (on p. 177 of the 2nd of the volumes lately laid before Parliament,) after reciting that he had just seen a valuable pine wood in the Seignior of Sorel, coolly declared the same to be a reserve for the supply of His Majesty's navy; forbade Seignior and censitaires from cutting any part of it under heavy penalties; and appointed a resident guardian to take care they were enforced. The title of the Seignior contained no reserve of pine timber. And the wood in question was no property of the Crown. The consequences to the parties of any infringement of the prohibition, might have been unpleasant; as it was probably ordained with the full intention of enforcing it. But it was still not law. Its illegal enforcement by an arbitrary ruler, once out of the question, there was no need for its repeal.

What, then, in truth, as to these Seigniorial questions, was the Jurisprudence (so to speak) establishd [sic] by the decisions and general course of the Governor, Intendants and Courts of Law in Canada?

So far as regarded the re-union to the Crown domain, of Seigniories which the grantees failed to clear, it is obvious to remark that there was practically no need of an arret of Marly to authorize it. If, after the Crown had granted

a Seignior, the grantee did not, by himself or others, take steps to settle on it, he might fairly enough be taken not to have accepted the grant. The Crown, under such circumstances, was always held to have full power to take back ... [its] unaccepted gift. Long before 1711, numbers ... [of] grants were undoubtedly so resumed; some ... [with] some without, the formality of an express arret or decree to that effect. All that the first of the two arrets of Marly did in that behalf, was to point out the prec[i]se mode of procedure to be thereafter followed, for the escheat of such lands. The Attorney General was to prosecute; and the Governor and Intendant, acting conjointly as the special and extraordinary tribunal alone competent to take cognizance of the matter, upon due ascertainment of the facts, and by ordonnances in due form, were to pronounce the escheat.

The Military man, head of the Executive, and the Civilian, head of the Judiciary, Police and Finance Departments, must concur in every such Ordonnance; or it could not be made. I find trace, by the way, of but one such Ordonnance, as ever really promulgated; of date as late as 1741, for the escheat of 20 grants. Further incidental evidence of the habitually comminatory character of these legislative arrêts of the French King.

Again, there was no need of the second of the arrets of Marly, to authorize the re-union to the domain of a seignior, of any lot of land not cleared and ... settled on by the censitaire. Equally with the Seignior, a censitaire not settling on his grant was held not to have practically taken it. Besides, in all [21] but the earliest grants of Seigniories, the Crown had systematically bound the Seignior to enforce residence by the express terms of his contract with his sub-grantees. And beyond doubt, clauses to that effect were always put into the grants to censitaires, with that view; and whenever appealed to (as they often were) were at all periods rigidly enough enforced. All that this arret of Marly had to do, was to provide a short and easy mode of enforcing this obligation. And it did so, most decidedly. No prosecution in this case by an Attorney General, or before a Governor and Intendant who must agree in judgment in order to act at all. Properly speaking, no prosecution at all; for the party complained of need not be (sometimes, was not) so much as summoned. On the mere certificate of the Curé and Captain of the Côte, the Intendant--acting alone, summarily and with no appeal from his decision--was to do all the justice that that kind of case was held to need.

But for the other of the three procedures contemplated by these arrets, the case was different. It was an extraordinary procedure. The Crown had made grants; the lands granted were the seignior's,--and he alone, of course, could sub-grant, or in any way alienate them. Here, the Crown in effect said to such seignior--the seignior holding, the while, under the Crown's grant--you are to make a certain kind of contract for the alienation of this land of yours, whenever you are called on so to do; and if you refuse, the Crown (on complaint of the refused party) will do it in spite of you, and in so doing will by the way practically escheat--not your whole grant--but that particular part of it which in each such case may so be dealt with. Till, by its arret here in question, the Crown had said this, it was impossible it could have done it. Before 1712, there could have been no enforcement of a description of control over the seigniors, which to that date had never been so much as threatened.

After 1712, then, how did the case stand? How far did successive Governors and Intendants act upon this power to sub-grant in the contingency supposed? Or how far may they not have transcended it--have assumed, without right, the far larger power of control sought by Raudot, as we have seen, in 1707 and 1708, but never granted by the King?

I find mention in the 2d Volume of the old Edits & Ordonnances (p.xxxiii) of an arret, which, I am aware, has been quoted as an instance of the exercise of these larger powers. It is of date of 1713, the 29th of May, a few months

only after the enregistration in Canada, of the arrets of Marly; and it is given as an arrêt of the Conseil Supérieur de Quebec. It is thus printed:--

"Arret importing regulation, (portant règlement), which prohibits the Sieur Duchesnay from conceding any village lots (emplacements) in the village (bourg) of Fargy de Beauport, at any higher rate of dues (à plus haut titre et redevances) than 1 sol of cens for each arpent, and a capon-fowl (poulet pret à chaponner) of seigniorial rent, as on grant of land, and irredeemable; to which cens et rentes are reduced all the concessions made to habitans in the said village, by the said Sieur Duchesnay and his predecessors, seigniors of Beauport."

But if any proposition can be clear, this must be,--that this arret had not in law any--the very slightest--sanction from, or reference to the arrets of Marly. They delegated no function or authority, to the Conseil Supérieur. They contain no word of village lots, nor of concessions already made to habitans, nor of any lowering of any rates fixed by contract, nor indeed of interference with contracts of any sort. Nor had it, indeed, any the slightest sanction [sic] in law at all. It was as mere an interference with property and rights, as plainly contrary to law, as were the recognitions of slavery, and the reservation of the Sorel pine-wood, to which I a few moments since referred.

Let me add, that I can find nothing to show it ever to have been drawn into precedent. It stands alone. There is no other printed, in the least like it. That the Intendant of that day, M. Begon, having just received the arrets of Marly, should have been inclined to stretch his authority far beyond their purview, may easily be accounted for. That neither he nor his successors should have followed up an arret of this kind, by others like it,--is a fact of far more weight and significance.⁹³

An arret, or rather ordonnance, of M. Begon, of the 28th of June 1721, (printed on p. 68 of the 2d Vol. laid before Parliament) may perhaps be thought to bear such reference to the subject, as here to call for remark. But it is manifestly what lawyers call an arret de circonstance, a judgment in a special case, and that not at all the case contemplated by the arret of Marly. There was here no refusal to concede; on the contrary, the Seignior impleaded had long before granted "billets de concession," written promises of grant, only just not in form to serve the grantees as an absolute title to their lands. The dispute was merely as to the terms in which the notarial deeds of grant were to be drawn up, the Seignior wishing to put into them more onerous terms than the censitaires were willing to accept. The Intendant was called on to interpret and enforce a contract made--the contract established by these written promises; was not acting under the arret of Marly at all. The Defendant, with reason good, began by excepting to his jurisdiction, on the double grounds,--first, that the case was one for the ordinary Courts and not for the extraordinary cognizance of the Intendant,--and secondly, that the Intendant had expressed a strong opinion against him. The Intendant by the recitals of the ordonnance, sets forth his own decision that the matter, as coming within the scope of the arret of Marly, was matter for decision by no other Judge than himself, and that he had plainly told the Defendant that he meant to enforce that arret in the case; and he then proceeds to fine the Defendant 50 Livres--no small sum in those days--for his impertinence in daring to question his, the Intendant's authority and impartiality! Whereupon, still not without reason, fearing, I suppose a heavier fine if he should venture to plead his cause any more, the defendant walked out of court under protest; and the Intendant's judgment went ex parte. Of course, it went for the plaintiffs. But of necessity, it was not at all in terms of the arret of Marly. The defendant is ordered to pass deeds on certain terms--the terms no doubt [sic], on which the Intendant meant to say they ought to be passed; but failing the

defendant so to do within the month of delay allowed, what was the alternative? "This delay expired," says [22] the judgment, "we do hereby authorize the plaintiffs to apply to the Marquis of Vaudreuil and to ourselves, demanding the grant of the said lands in the name of His Majesty, upon the same charges and conditions, conformably to the said arret of the Conseil d'Etat of His Majesty, of the 6th July 1711; and this ordonnance shall be executed, notwithstanding appeal, but without prejudice thereto."

So that here we have of record the all obvious truth that so far the procedure had not been under the arret of Marly. If it had been, the Intendant so far from being Judge of it, to the exclusion of all others, could not have been the Judge of it at all; but could only have sat upon it with the Governor. The Defendant may not have been right. His pretensions, as they appear to have been put forth, were harsh, and probably not warranted by any proper interpretation of the billets he had given; but certainly, his Judge was not right, and showed none too much of the Judicial spirit in dealing with the case. And--which is here the whole point--the case had no real reference to the arret of Marly.

The next case I find, at all seeming to bear on this matter, is an Ordonnance of the Governor and Intendant of the 13th of October of the same year 1721,--printed on p. 72 of the same volume.--Here, those functionaries undoubtedly did in the King's name grant to a certain Widow Petit, a tract of land within the censive of the Fief St. Ignace belonging to the Ladies of the Hotel Dieu of Quebec. But it is expressly recited that this was done--not under the arret of Marly,--but under an arret of the Conseil d'Etat du Roy of date of the 2nd of June, 1720,--a special arret evidently predicated on special circumstances of controversy between the parties. By this arret the King in Council had declared the widow Petit to be entitled to a deed of this particular land; and had ordered the Governor and Intendant to grant it to her, if the Ladies of the Hotel Dieu should persist in their resistance to her claim.--They did persist.--The urgent but vain efforts of the Plaintiff to bring them to a compliance are set forth at great length; and the grant was made accordingly. It is the one only grant in the King's name, that has been found,--made by a Governor and Intendant within the censive of a granted Seigniori. There is no other printed,--I venture to say, no other of record.

It is a fact not wholly without significance, that neither of these arrets names any rate of dues. The notion of a uniform rule as to that matter, started by Raudot in 1707 and 1708, is nowhere--save in his despatches--to be found.

A third Ordonnance of an Intendant, M. Dupuy, rendered Nov. 16, 1727, (p. 180 of the same volume) has been cited, as containing an important reference to this general subject. It will be found, however, that it really has none at all. The case is one of those, to which I have already made some reference--turning wholly on the question of the date at which debts incurred during the currency of the monnaie des cartes were to be paid. Certain censitaires [sic] of Bellechasse naturally wanted to pay their dues, accrued and accruing under deeds which had been passed during that period in certain terms, subject to the reduction of a fourth to convert them, as they claimed, into money of France. The Seigneur as naturally wanted to be paid without such reduction. In part of his argument, which is given at great length as part of the recital of the Ordonnance, he urges that of all kinds of debts, Seigniorial dues ought not lightly to be taken to come within the range of reduction in question, "because," says he, "the King having willed in order to the more prompt settlement of the country that the Seigniors here should grant their lands at a low price, (donnassent les terres à bas prix,) there is hardly any land granted at more than" so much, and much that is granted far lower, though covered with wood, and so forth. Add to which, says he, pushing his argument further, low as these their dues are, the Seigniors have heavy burthens to bear, for all sorts of objects

of public utility; and it is absurd to suppose that the King means them to form an order of noblesse here, as he surely does, burthened thus, and yet subject to a cutting down of dues so much too light for such ends. But all this proves nothing; except that this gentleman saw fit to urge this argument in a case where it really had no legal bearing. Good or bad, as fact or argument, it is his mere statement made for a special purpose under peculiar circumstances. The judgment did not turn upon it,--and neither embodies nor at all indicates any expression of the Intendant's [sic] notions (supposing even them to signify) as to the matter.

A fourth Ordonnance has been cited; rendered by M. Hocquart on the 23rd of January 1738, and which is to be found on p. 170 of the same volume, the Ordonnance in fact which was printed during the last Session of Parliament at Toronto, as bearing on this question. But, like the others I have remarked upon, it will be found to have really nothing to do with it. Several habitans of Gaudarville, in this case impleaded their Seignioress, the Delle. Peuvret, demanding--not a grant of lands which she had refused to make--but "titles in due form of the lands she had conceded them, (titres en bonne forme des terres qu'elle leur a concédées), and that, upon the footing of the titles of the other lands of the said Seigniory." Her reply was, that she was quite willing to pass "deeds to the habitans Plaintiffs, of the new lands she had granted, the same to be taken immediately behind the first grants of the said Seigniory,--and at the cens, rentes and seigniorial dues which the Intendant should please to indicate (et aux cens, rentes et droits Seigneuriaux qu'il nous plaira régler). Hereupon the Plaintiffs objected by their answer--and this manifestly was the sole point in serious dispute between the parties--that behind the first range of grants there was a swamp, and that their lots ought to be marked off in rear of it. To this the Seignioress in turn made objection; and here the Intendant had to decide. The Grand Voyer visited the ground, and reported. The Intendant settled the point in favor of the Seignioress's pretension; and, so doing--and in terms of her express consent, of record in the cause, directed that the grants should be "at the cens [and] rentes ordained by His Majesty, to wit: 'one sol of cens per arpent of front, and one sol of rente per arpent in superficies, and a capon or 20 sols at the choice of the said Seignioress, per arpent of front.'"--"Ordained by His Majesty." How? When? apropos of what? There [23] is nothing to show. It may have been, that such orders had been sent out, in reference to grants en censive, within the domain of the Crown; though the fact is at least noticeable here, that these rates are not those which, as we know from other documents now published, were fixed for grants in the censives of the Crown, about the same period. To this consideration I shall have to advert presently; and I pass from it therefore now, merely observing as I do so, that it is certain that at this very period the Governor and Intendant were fixing variant rates of dues, not identical with this rate nor with each other, for censive grants within the Crown domain; and, that the case, as an authoritative decision amounts to nothing, because--as I have said--it purports to have been on this point a mere judgment by consent. For aught we know, the Seignioress may [have] gained by it, may have got higher rates than those of her older grants. Nothing in this case indicates that they were lower.

One more ordonnance I cite in this connexion; not as making against my view, (for I have found none that do,) but as the one other, which I have found, indicative of any material control exercised by an Intendant over the terms of a grant à cens made by a Seignior. It is another ordonnance of M. Hocquart, under date of the 23rd of February 1748, and is to be found at p. 202 of the same volume. In this case, the Fabrique of Berthier impleaded the Seignioress, to obtain from her a notarial deed to a lot held by them for the last 38 years, under a billet de concession. The Defendant declared her willingness to pass the deed, but demanded to be allowed to insert in it certain clauses,--one to

the effect that the land, if ever alienated by the Fabrique, should become chargeable in her favor with a certain rate of dues, stated by her to be that of the other lands in her Seigniority,--and some other clauses of a kind not likely to have been contemplated at the time of the granting of the billet de concession. To these latter clauses the Fabrique gave no consent; and the Intendant, rightly no doubt, disallowed them,--and directed the passing of a deed that should merely stipulate for payment of dues by any party acquiring from the Fabrique. The rate named in the judgment is not identical with that proposed by the Seignioress, as the rate usual in her Seigniority; the former being partly in capons, and the latter in wheat; and no reason is given for the variance. Indeed, it reads as though made by inadvertance. Be this, however, as it may, so much at least is clear, that this ordonnance, equally with the others I have been commenting on, is not a case ever so remotely coming within the purview of the enactments of the arrets of Marly.

I say more. I dare not to undertake to weary this Honorable House with comments on every Ordonnance and Arret in detail; thus over and over again to prove a negative. But this I must say, after thus remarking on these cases--the few I have found, of a tenor which has seemed to me to call for notice here,--that I have most carefully studied every printed Edit, Arret and Ordonnance laid before this Honorable House in connection with this whole subject, and every other that I have been able to find; that I have arranged them all in order of date; have read and re-read them all, so arranged; have made a written abstract of them all; and, though I will not say that the Edit, Arret or Ordonnance does not exist, that shows this procedure by habitant against Seignior, provided for by this arret of Marly, in some stray instance to have been resorted to and carried out, I will and do say, that after every effort made I have not found it. I do firmly believe that it is nowhere to be found.

And not only do I find no proof of this procedure under this arret of Marly having ever been carried out. I fail equally to find a case of the enforcement of the after arret of 1732, which prohibited all sale of wild land, by whomsoever made, under pain of nullity and escheat. Both, so far as one can see, were mere threats. I will not say they were never meant for more. But that they were no more, I cannot doubt.

Indeed, that this part of the first arret of Marly had so fallen into desuetude, is further to some extent evidenced by the tenor of the Declaration of the French King, of the year 1743, to be found on page 230 of the second volume so often quoted. By that Declaration the King undertook to regulate the course to be followed by the Governor and Intendant, and in proceedings had before them, in regard to the matter of the granting and ... escheating of land. But there is not in it, nor yet in the King's subsequent Declaration of 1747 (p. 172⁹⁴ of the third volume laid before Parliament) explanatory of it,--any reference to this peculiar procedure (most of all requiring regulation, one would say, if then a procedure [sic] really ever taken) for the quasi escheat of land part of a granted Seigniority, and its grant by the Crown to the habitant, prosecutor in the cause. It was not a procedure seriously thought about.

I would not be misunderstood. My position is not, that the Governors and Intendants let the Seigniors alone. They let no one alone. They were for manging [sic] everything and everybody; for not allowing wild land to be sold by any one; for not letting men of any class make their own bargains or deal freely about anything. I dare say they interfered with Seigniors. Very likely--the arrets of Marly not coming up to their notion of the extent or kind of interference they were inclined to resort to,--they interpreted them more or less to be what they were not. Some of the arrets I have remarked upon, are indicative of this sort of thing. And very possibly a vague impression as to what might be done by an Intendant in any given case, under color of his notions of these arrets, or representations as to what was the King's pleasure, may

have had more or less of effect at one time or another, in leading Seigniors to concede at lower rates or under less onerous charges and reserves than they otherwise would have done. The same kind of consideration, no doubt, influenced other classes of men as to other matters. But such influence was no influence of law; changed no man's tenure of his land; affected in no way the legal incidents attaching to a man's property.

And without any such influence operating to that end, it was impossible the rates of concession of land should have been high.⁹⁵ By 1663, we have seen that not far from 3,000,000 of arpents of the land now so held, had been granted en fief, under those of the titles of that period which still remain in force; and perhaps twice that quantity had in all been granted under all the titles [24] then extant. The French population, to that date, is stated not to have amounted to 2,500 souls. At a low calculation, the extent of the grants must have averaged something like 10,000 arpents for every family. In 1712, when the arrets of Marly were promulgated, the grants en fief covered more than 7,000,000 of arpents; for a population (Indians excluded) of hardly 22,000 souls; some 1,800 arpents at least on the average for every family. And in 1760, the grants were 10,000,000 of arpents, to a population of about 59,000; or still, about 1,000 arpents to a family. Could land bear anything but a low price under such circumstances? And these figures all understate the fact. For they are given without reference to the large grants made beyond the present limits of Lower Canada, and where the population bore a still smaller proportion to the extent of the land granted than it did in Lower Canada.

But low (as compared with present values) as the ruling rates always were in Lower Canada during these periods, they were never uniform, or fixed by any law or rule.

It would have been contrary to all precedent, to every notion of law antecedently prevailing in the country, if they had been. No doubt, the doctrine will be found laid down in most of the books, that the cens was in its nature a small redevance or due--nominal, so to speak--imposed merely in recognition of the Seignior's superiority, and mainly valuable as establishing his right to the mutation fine, known under the Custom of Paris as lods et ventes. And from this fact, some have thought and spoken, as though it was of the nature of the ... fixed yearly Seigniorial dues, upon land granted en censive, to be low and nominal. But it is forgotten by those who draw this mistaken inference, that the doctrine I have referred to is by these feudist writers laid down, only with reference to the cens, properly so called, as contra-distinguished from the rentes which also formed part--and by very far the larger part--of these yearly dues. Even, however, as to the cens, in France, there was no kind of uniformity; and for the amount and character of the rentes, no limit whatever con [sic] be assigned to their variations. The total amount, in France, of a Seignior's yearly dues accruing on his lands granted en censive, were as variant as the caprice of local customs, and special contracts, possibly could make them; and as a general rule they were anything but low. Indeed, it has been clearly established as matter of historical research [sic], that the cens itself was not in its origin a nominal due, but (as the very word, cens, census, imports) a real and onerous tribute--fixed in money and in the course of ages rendered light in amount, by reason not merely of advance in money prices, but also of the enormous depreciations of the currency that for some centuries disgraced the history of France.--Hervé, the writer from whom I have already quoted, and the weight of whose authority on these matters cannot be questioned, after conclusively establishing this historical fact, in his 5th volume, lays it down (p. 121) "que toujours le cens à été proportionné au véritable produit de la chose accensée, lorsqu'on a fait de véritables baux à cens; et non pas des ventes sous le nom de baux à cens,

et qu'il n'est point par sa nature une simple redevance fictive et honorifique; that the cens has always been proportioned to the veritable product of the estate granted à cens, when the parties have made real grants à cens, and not sales disguised under that name, and that it is not in its nature a mere fictitious, honorific due." The cens et rentes here in question, no less than the cens et rentes of old subsisting in France under our Custom of Paris, bear, and ever have borne, this legal character; are, as to amount and kind, whatever the parties may have agreed to make them; represent the consideration of the grant, in terms of the contract establishing the grant.

To turn to facts.

The terms of a few grants en censive, made before 1663, are to be found in the 1st of the volumes laid before Parliament. In 1639, for instance, (see page. 351) a piece of land close to Quebec was granted at 1 denier, the twelfth part of a halfpenny of our currency, per arpent. In 1647 (p.12) a tract of a quarter of a league by a league in depth, was granted at the same rate: but with the proviso that such rate per arpent was to be paid "lorsqu'il sera en valeur seulement," "as it shall be brought into cultivation only,"--a curious passing indication of the idea then entertained of the value of the twelfth part of the coin now passing as a half-penny. Two years after, in 1649, (p. 382) land at Three Rivers was granted at the enhanced rate of 3 deniers per arpent; and in the same year (p. 344) two months latter [sic], other land, to be taken at Three Rivers or Quebec, was granted at the further advance of 6 deniers per arpent. These grants and some others like them, are grants by the Company of New France.

Almost at the same date, in 1648, I find mention in the recitals of an Arret, (vol. II, p. 176 Edits et Ordonnances of 1806) of a grant à cens by a Seigneur, at the rate of 12 deniers per arpent of cleared or meadow land, together with a quart of well salted eels. And it may be added, by the way, that this grant (thus early made) stipulated the droit de retrait, or right of pre-emption by the Seigneur, in case of sale of the land by the grantee.

I was desirous to have had it in my power to lay before this House something like a statement of the extent of range of the variations observable at different periods and in different parts of the Province; but they are so almost infinite, that I soon felt it to be quite impossible, with the very little time I was able to devote to this particular branch of research. A friend to whom I applied a few days since to aid me in this respect, was able to spend a very short time in an examination of a limited number of old grants in the vaults of the Prothonotary's office at Montreal. Taking the first in alphabetic order, of the names of the notaries of the old time, whose minutes were there deposited--that of one Adhémar,--and striking on the year 1674, as remote enough to fall within M. Raudot's times of innocence, he examined as many of that Notary's deeds as the short time he could give to the matter allowed. From their state and style of writing he was unable to examine many in that time; but all he could examine showed an almost incredible absence of rule or usage, as well at that date as at others--whether as to amount of kinds of dues or as to the quantities granted, or as to the clauses and reserves attached to grants. Hereafter--so soon as time shall allow--I will establish this fact (for it is a certain fact) beyond the possibility [25] of doubt, by ascertaining and laying before the public the terms of a sufficient number of those all-varying deeds. For the moment, I must be content to cite four; the first four that my friend chanced to examine, and of which I hold authenticated copies in my hands. They are of dates falling within 8 consecutive days of September, 1674; the first, being of the 5th--the second, of the 12th, and the third and fourth, of the 13th, of that month; in fact, I believe them to be the four consecutive deeds of concession which it was that Notary's fortune to pass in those eight days. The first, second and fourth, are of grants in Batiscan; the third is of a grant either in

Batiscan or Cap de la Magdeleine. Either Seigniorly belonged to the Jesuit fathers; presumably not the most exacting, or irregular in procedure, of the Seigniors of the time.⁹⁶

The first of these grants is one of 40 arpents by 40; 1600 square arpents. The yearly dues are stated at 30 Livres Tournois, 10 capons, and 10 deniers (ten twelfths of a half-penny) of cens. Valuing the capons at 15 sols a piece--the money rate per arpent is something over half a sol--something over a farthing of our currency.

The second of these grants is of 4 arpents by an unstated depth; the rate, 1 sol Tournois per arpent, 1 capon per 20 arpents, and 4 deniers (1/3 of a half-penny) of cens: in all--upon the same valuation of the capon--about 1 3/4 sols per arpent, more than treble that of the grant of the week before.

The third is of 2 arpents by 40; the rate, as though the parties had not liked ever twice to do the same thing in the same way, or on like terms is stated at half a boisseau of wheat, 2 capons and 2 deniers of cens.

The fourth--a grant of 60 feet square near the mill of Batiscan--is for 3 Livres Tournois, and 1 denier of cens; a rate of more than 1 sol for every foot of front by 60⁹⁷ feet of depth.

Quantities--amounts--rates--styles of rate--could scarcely have varried [sic] more.

Again, to take another kind of proof, and from another and later time. In 1707 and 1708, we find Mr. Raudot complaining of the extraordinary diversity everywhere prevailing; sending home a table to exhibit it; and proposing, by way of remedy (p. 8 of Vol. 4, as laid before this House) the adoption as a rule of universal application, of the rate of "a sol of rente,⁹⁸ and a capon or 20 sols at the payer's choice, per arpent of frontage." As we have seen, the suggestion was not adopted. In 1716, when the subject was again under review nothing approaching to it appears to have been offered by Mr. Begon, or thought of by any one else.

Between 1734, however, and 1753, we have copies of some 10 grants en censive, printed in the 1st and 4th of the Volumes laid before Parliament, made by the Governor and Intendant for the Crown. And here, at all events, if uniformity of rate could have been the rule any where, one would expect to find it. Five of these grants from 1734 to 1750, (Vol. 4, p. 27 and Vol. 1, p. 242, 243, 247, 248, and 249) are at the same rate, being all grants near Detroit; but it is not the rate suggested in 1707 by Raudot--but one materially higher, and this, though the land granted was so far back in the wilderness. This new rate is 1 sol of cens per arpent of front, 20 sols for every 20 arpents of extent, and a quarter of a minot of wheat per arpent of front by 40 arpents. A sixth grant at the same place, in 1753, (Vol. 1, p. 252,) is made nominally at the same rate, but the depth being 60 arpents the real rate per arpent is, so much lower. A seventh--of the Isle aux Cochons, in Lake Erie--in 1752,⁹⁹ (Vol. 1, p. 251) is made with no reference to this rule, at 2 sols of cens, 4 Livres of rente, and a minot of wheat, for the entire grant--20 arpents by half a league. The eight[h] and ninth of these grants, are at Port St. Frederic, in 1741 and 1744 (Vol. 1, p. 245, 246,) and the rate is an advance--not inconsiderable, according to the notions of those times--on that of the 4 grants at Detroit first referred to. It is 1 sol of cens per arpent of front, 20 sols of rente per 20 arpents, and half a minot of wheat (instead of a quarter) per 40 arpents. And the tenth grant of the number, at La Presentation, in 1751, (Vol. 1, p. 250,) being of an arpent and a half square, for convenience of a saw-mill built by the grantee, is at 5 sols of rente, and 6 deniers of cens.

No observance, therefore of a fixed rule, even in the censive of the crown; the Governor and Intendant, granting; and through the period presumably that of the nearest approach to regularity of system ever attained under the French Government.

In truth, uniformity of rule and absolutism have very little to do with one another. We have seen already that even in the 4 cases, between 1713 and 1727, in which the Governors and Intendants attempted, by their fixed rate clause, to enforce a rule on grantees of Seigniories, they could not bring themselves to make that rule one and the same,--but, by prescribing three different depths of grants in three out of the four cases, laid down in truth three different rules, for three several Seigniories.

The recitals of numbers of the Ordonnances and Arrets, as we find them in the second of the Volumes laid before this Honourable House, all tend to the same conclusion. Over and over, we find the Intendants taking cognizance of rates in not at all alike [sic]; and constantly enforcing them, just as the contracts chanced to set them forth. Sometimes, the Arrets clearly show more than one rate in a Seigniorie. In one, that occurs to me, (to be found on p. 165 of this second Volume) three such rates are incidentally referred to as co-existent in one and the same Seigniorie; and this not as a matter at all extraordinary--as in truth it was not.

Further, to turn to still another description of proof. In the table on the subject, printed as part of the Appendix to the Seigniorial Tenure Commissioners' Report, (Vol. 3, p. 159 and seq.,) are stated, in all, the terms of some 47 grants en censive, of dates prior to 1760, made in 18 Seigniories. And these grants exhibit some 40 variances of rate. In one Seigniorie alone 6 or 7 of these variances are shown; in another, 5; in several others 2, 3, or 4.

But to what end heap proof on proof, of a fact so certain,--so everywhere patent on the fact of every document we have, that at all refers to it; of a fact so consonant with every probability arising out of the antecedent law of the land,--so certainly made known as a fact, to the Crown by its Governors and Intendants,--so certainly recognized and sactioned [sic] by the Crown? There can nothing be proved, if this is not.

[26] I pass to another consideration. I said, not long since, that the Seigniors, if at all more controlled by the authorities that [sic] the law warranted, were at all events not the only parties so controlled. But that is not all I must say. They were the parties least so controlled. Why, the very obligation imposed on so many of them by their deeds, was an obligation to aid in controlling the class below them,--to compel that class to live on their lands, to reserve oak timber for the King, and so forth. Before, as well as after the arrets of Marly, the grants made to that class were constantly escheated for failure so to settle them.--The complaint of the Intendants was, that the Seigniors were only too little zealous in enforcing this control.

The arrets of Marly threatened a penalty hard of enforcement and not practically enforced against the Seignior, and for the censitaire; but contrived the shortest and most summary mode possible--a mode constantly resorted to--of enforcing its penalty against the censitaire, and for the Seignior.

The arret of 1732 pretended--not to annul simply a Seignior's sales of wild land,--but all such sales made by any one. If ever enforced, we may take it for certain, that the censitaires' sales would not have been the sales to escape the forfeiture.

The censitaires were not then the powerful or favored class.

Even where favored, it was seldom to an extent that would be thought much of, in days like ours. For example, in 1706 (I refer to p. 35 of the second volume laid before this House) Mr. Raudot was called on to interpret a clause, general it would seem in the grants made by the Seminary, in their Seigniorie of Montreal, (and in those days, by the way, not uncommon elsewhere,) by which that body had reserved to themselves the right to take without payment any quantity of wood they pleased on their censitaires' land. The Seminary expressly [sic] consented, as a favour, to limit this reserve to the right of

cutting down for their own fire wood one arpent in every sixty, to be chosen by themselves, near the clearings of the censitaires, and for their buildings or other public works any further quantity they might require.--And this offer was accepted; and by such consent of parties, Mr. Raudot pronounced accordingly.

At all dates, we find the Intendants strictly enforcing the prohibition to fish against the habitans, unless by leave of their Seigneur, from whom they had to acquire the right--of course for value. The same strict enforcement was uniform of the Seigneur's right of banality, of which I shall have to speak more hereafter, and by virtue of which no man was allowed to resort to any other than his Seigneur's grist mill. And even as to Corvées, or the obligation to involuntary labor at the Seigneur's requirment [sic], notwithstanding the Ordonnance of 1716, printed last year at Toronto (and to be found on page 57 of the second volume now before this House,) under which it has been contended that all Corvées were then prohibited,--and notwithstanding the dislike of them expressed to the government at home, in 1707, 1708 and 1716 by Messrs. Raudot and Begon,--not even herein was the censitaire in fact relieved. Everywhere I find them enforced. Nay, as late even as 1723, (see p. 85 of volume 2,) I find an extra day of corvée ordered by the Intendant, for all the habitans of Longueuil, on the exparte demand of the Seigneur--the censitaires not so much as summoned to make answer to the demand before judgment rendered.

And this control and these interferences were not merely resorted to, in matters where the Seigneur's [i]nterests may be said to have dictated them. In 1709,¹⁰⁰ for instance,--I quote now from page xli of the second volume of Edits et Ordonnances published in 1806--Mr. Raudot, whose especial mania for interference with all sorts of people and things I have so often had to notice, issued his ukase, "forbidding the habitans of the neighbourhood of Montreal to keep more than two horses or mares and one colt, as their doing so would prevent their raising horned cattle and sheep, and would lead to a scarcity of other animals."

From this absurd caprice of an Intendant, I pass to a piece of serious legislation by the King, as which again there can be no mistake. In 1745--I cite from page 151 of the 1st volume of the Edits et Ordonnances published in 1803,--the King by an ordonnance forbade the habitans throughout the ... country, to build any house or stable, whether of strone [sic] or wood, on any piece of land of less extent than an arpent and a half by from 30 to 40 deep unless it were, within the limits of some bourg or village declared such by the Governor and Intendant, and this on pain of demolition of such building and 100 Livres of fine. And from the time of its promulgation down to 1760, that Ordonnance with all its severity--a severity pressing only on the habitant class--was, as is well known, most rightly enforced.

And it did not quite come up to the ideas cherished by the functionaries of the then Government as to the extent and oppressiveness of the control that ought to be brought to bear on the unfortunate class of men for whom it was intended. By all means whatever, they were to be forced to abide the life of risk and hardship then falling to the lot of the rural settler,--neither suffered to hold only so much land as they might want, nor under any pretext to leave their forest wilderness for the easier life of the town. By 1749 (see p. lxxxvii of the 2d Volume of Edits et Ordonnances, of 1806) an Intendant's Ordonnance "with intent to advance the cultivation of the country, forbids the habitans who have land in ... the conuntry [sic] from coming to settle in town, without leave of the Intendant granted in writing; and orders all persons of the town, letting houses or rooms to any whom they shall suspect to be habitants of the country, to declare the same to the Lieutenant General of Police,"--of course that they be sent back, punished or unpunished, as occasion shall require.

Control! Every one, I repeat, was controlled, as happily none can be now.

But the weight of the control pressed on the censitaire. The Seigneur in comparison was free. Such as it was, moreover, that control is of the past; to all intents, as regards the law of the land, is as though it had never been. No man's tenure of his property is effected by it; neither [sic] censitaire's, nor Seigneur's. Both hold as proprietors; their rights defined and protected equally, by the law.--For my clients, I am here, not to ask for a return, in any the very slightest particular towards the [27] old system under which they were (as I have shown) the comparatively favored class. I recall that past, as it was, only that I may protest on their behalf against the monstrous error and injustice of any attempt now to subject them (and them only) to its influence, ..or rather to the influence of a system of arbitrary, despotic interference, other and far worse than that past ever inflicted on their predecessors,--such as may not, cannot be made to affect any class whatever, where (as with us) the law alike and equally protects all classes, all property, all rights.

I proceed to another portion of my argument. I have said, that the proposition on which alone this Bill can for an instant be defended, is the proposition, that the Seigniors of Lower Canada are not truly proprietors, but trustees bound to concede at some low rate, and under few or no conditions or restrictions; and that this alleged trustee capacity of theirs, if it be the fact, must arise either from something in the tenor of the antecedent law of France, as interpretative of their position; or from something done when their grants made, or afterwards, down to the cession of this country to the British Crown; or from something done since that cession. Unless I am much mistaken, I have shown, that alike the tenor of the old law, the terms of their grants, the action, legislative and otherwise, of the French Crown, and the whole course and character of the jurisprudence (so to speak) of the country, while under the French Crown, establish in terms the contrary proposition; prove that, to the date of the cession, they not only were proprietors, but were even the proprietor who held by the higher and more perfect and favored tenure,--were in fact emphatically the proprietors of the favored class. Passing now to the period which has elapsed since the cession of the country to the British Crown, I believe that my further proposition, that nothing has been done since the cession to take from them their proprietor quality, does not require much argument for its support. I shall easily show that the history of this whole matter since the cession, is such, as to suffice of itself to assure to them that quality, with all its incidents, were it even doubtful (as it is not) how far it attached to them before.

But before occupying myself with that part of my subject, I perhaps ought to offer some remarks on a point which may be said to suggest itself incidentally, as one passes from the consideration of the French period of our history, to our own. It is this; how far what has been said and written since the cession, can be suffered to affect our inferences on this matter, drawn from what we have before us of all that was said and written previously; how far, in a word, the expressed opinions of men of mark since the cession, can go to prove the existence before that date, of a state of things in Canada, different from that which I have (as I think) established, by the examination of the grants, arrets, or ordonnances, despatches and other documents of all kinds, of date before the cession.

The truth is, that the tradition (so to speak) against which I argue, is attributable to statements made since the cession of the country. It has grown up since that period, and it may not be uninteresting to show how it has grown up; and that it has done so in a manner and under circumstances to attach no importance whatever to it. At first sight, indeed, this must seem tolerably obvious; for it is a maxim of law, and of common sense too, that the best evidence alone is to be taken. If it be the fact, that from the tenor of the law of France, of the Seigneur's grants, direct from the French King or through his officers in the colony, and the legislation and jurisprudence of the country under the French Crown, one has to assign to the Seigniors of Lower Canada the

quality of proprietors--such as I have shown it to attach to them; if this, I say, be proved by the best--the only real evidence we can obtain; it is not necessary to show how any counter-impression may or may not have since grown up. But, evident as this is, I may be allowed, I trust, in consideration of the extent to which it has latterly prevailed, to offer some observations by way of accounting for its origin and progress.

Perhaps there never was a country in so peculiarly false a position with respect to its traditions of its own past, as Lower Canada. On the occasion of the cession, the high officers who had administered the government left the country; with them they took its confidential archives; with them went, too, the superior judicial functionaries, and a large proportion of the men of higher rank and better education; leaving behind them comparatively few who were not of the less educated class, or at any rate of the class less capable of preserving in the country a correct tradition as to the spirit of its old institutions. New rulers arrived in the Province, not speaking the tongue of those amongst whom they came, and whom they had to govern; wholly strangers to their laws, usages, and modes of thought and feeling; bringing with them the maxims and opinions of the nation of all others the least resembling that which had first settled Canada; not at all the men to seize--or even to try to seize--the peculiarities of the law they came to supersed[e] [sic]; whether as to the prerogative of the French Crown, the confusion of legislative, judicial and executive functions pervading its whole system, the uncertain and purely comminatory character habitually attaching to it, or the vast and complex detail of laws and rights of property subsisting under [sic] it.

All this, I say, they were not likely to understand, or make the effort to understand.

The law of England, their law, one need hardly observe, is essentially a law of unwritten custom; and most of all, perhaps, with regard to that particular description of English real property, which answered most nearly to what they here found subsisting as land held en censive. In England, copyhold property is almost entirely--perhaps I should say, is entirely and essentially--governed by unwritten customs peculiar to the different manors and holdings. The very term "custom" as they found it in use here, was a term calculated to mislead them [sic]. The Custom of Paris here established, and the other customs locally prevalent in France, were not unwritten customs, like those of an English manor, or the great, general body of unwritten custom known as the common law of England. They were written documents, enacted by authority,--statutes, in English phrase, not customs.

Indeed, in Canada there was even less of resort to unwritten usage, as regarded the terms of the [28] holding of censive lands, than in old France. In France, undoubtedly, in many cases, rates of cens and other dues could only be traced back to local unwritten usages which, as it were, supplemented the known written customs of the land. But in Canada there was no dark antiquity to peer into; here every thing was new, had had its origin within a date that could be reached; every grant à cens was by an authentic instrument, the precise tenor of which could be ascertained; or if in particular instances it happened that this was not the case, it was merely that the parties had trusted each other's faith, and so entered into a contract which they might possibly have some practical difficulty in proving and enforcing to the letter; but the terms of which were yet to be ascertained and enforced in all such cases, as well as might be, in common course of law.

All this, I repeat, was not calculated to lead to a very correct first impression, on the part of these new rulers of this country. Inclined naturally to see in the Canadian Seigniorship an English manor, and in its censitaires a body of English copyholders, it was not possible for them to avoid attaching too much weight to the notion of customary rates and obligations, and too little to the

terms of the actual contracts. They hardly could realize how entirely in Canada the existence of these written laws and written contracts dispensed with--precluded one might say--reference to unwritten custom in this class of cases.

And this was not all. If they had been ever so disposed to study Canadian law,--as they were not, they would have found it hard to do so to much purpose. Books of such law were not plenty to their hands; not of inviting bulk, or styler [sic] or language. Of the model treatises on French law, to which at the present lawyers of all countries resort, by far the greater part did not then exist. What books there were, were the older, larger, in every sense heavier volumes, of an earlier age. They were little likely to find readers in men, inclined neither to fancy their language nor their law.

The Provincial records, moreover, as I have said, were in the same tongue, in a hand-writing not easy to decipher, imperfect, in disorder; and there were few or no persons in the country, likely much to help the authorities in the attempt to find out what they amounted to.

Besides, the first Courts in the country after the cession, by courtesy called Courts of law, were military Courts, made up of soldier-judges; and as, no doubt, it is true that the lawyer is apt to be an indifferent soldier, it is no less true that the soldier is apt not to be much of a lawyer.

And even this was not all. These Courts thus set to declare and administer the law of the lands were set to declare and administer they knew not what law. The general impression with the new, English ruling class, of course was, that a great deal of English law was to be introduced; and it was a question that no one could answer, how far French law, how far English law, how far a mixture of the two in some way or other to be worked up, was to be the rule.

It was under these circumstances that an arret, the only one of the kind which I fined [sic] cited, as making against my clients' interests, and of which I have not to speak, was rendered. I refer to the arret of the 20th of April 1762, printed on the last page of the fourth of the volumes laid before this Honorable House. It purports to be taken from the Register of arrets of the Military Council of Montreal; such Council composed of Colonel Haldimand, the Baron de Munster, and Captains Prevot and Wharton; four highly respectable officers of Her Majesty's army, I have no doubt. And it reads thus:--

"Between the sieur Jean Baptiste Le Duc, seignior of Isle Perrot, appellant from the sentence of the Militia Court (Chambre des Milices) of Pointe-Claire, of the fifteenth March last, of the one part;--

"And Joseph Hunaut, an inhabitant of Isle Perrot aforesaid, Respondent of the other part;--

"Having seen the sentence appealed from, by which the said sieur Le Duc is adjudged (condamné) to receive in future the rents of the land which the Respondent holds in his seigniority at the rate of thirty sols a-year and half a minot of wheat, the court not having the power to amend any of the clauses contained in the deed of concession executed before Maitre Lepailleur, notary, on the 5th Aug., 1718; the petition of appeal presented to this Council by the said sieur Le Duc, the Appellant, answered on the 19th March last, and notified on the 3rd inst.; a written defence furnished by the Respondent, and the deed of concession referred to; and having heard the parties;--

"The Council, convinced that the clause inserted in the said deed, which binds the lessee (preneur) to pay yearly half a minot of wheat and ten sols for each arpent, is an error of the notary, the usual rate at which lands are granted in this country being one sol for each arpent in superficies and half a minot of wheat for each arpent in front by twenty in depth, orders that in future the rents of the land in question shall be paid at the rate of fifty-four sols in money and a minot and a half of wheat a-year."

Now, what is this judgment worth? Four gentlemen, not lawyers, reverse a sentence which every lawyer must say was perfectly sound and right; and condemn

a censitaire, who by his written contract was to pay thirty sols and half a minot of wheat only, to pay fifty-four sols and a minot and a half of wheat! The court below had maintained the contract; the Seignior for some extraordinary reason, had appealed; and, what is more extraordinary, the court maintained the appeal,--not, be it observed, reducing the rent but raising it, so as actually to give the Seignior more than his written contract established in his favor. And they did this, not on proof of circumstances, showing the deed to have been wrong, as they took it to be; but merely on the ground of the supposed existence of a customary rate so fixed and invariable as of itself to prove the clause of the deed an error. And this, in a deed of 44 years standing! And though, as we have seen, at all times, as well after as before the time of its date, all manner of varying rates had ever prevailed--the Governors and Intendants themselves testifying. And though the very rate which they coolly declared to be the one legal rate of "concessions in this country," absolutely was not so much as one of the various rates which [29] we know to have been prevalent, even in the Crown censives immediately before the cession. I have shown that most of the Detroit grants of the Crown, at this period, were made at a nominal cens, with a sol of rente per arpent, and a quarter of a minot of wheat for every arpent by forty; some, however, fixing this same quantity of wheat for every arpent by sixty; and I have shown that there were Royal grants during the same period at Fort St. Frederic, where the rate was the like cens, the same sol per arpent, and the half of a minot of wheat, per forty arpents. And we have here the declaration (par parenthèse) that any rate below the yet higher allowance of a half minot per twenty arpents, is so repudiated by custom, that though stipulated before notaries forty-four years ago, a Court of law is to pronounce the deed wrong, and raise the rate to this new standard.

The judgment is merely as unjust and mistaken from first to last, as its authors could well have made it.

It furnishes one further proof, that in fact there was no fixed, known rate of concession; and it proves, for all matters presently in issue, nothing more.

To return, however, to the matter more immediately under consideration--the question of the rise and progress of the mistaken impression which has grown up as to the existence of this supposed fixed rate, and so forth.

Till 1772, I am not aware of the appearance in print of any work purporting to set forth the tenor of the old French laws and customs of Canada. There was then printed in London, for Parliamentary purposes (Parliament being then on the point of discussing what became the Quebec Act of 1774) a remarkably well drawn, though short, abstract of those laws and usages, which had been sent home by Governor Carleton, from a draft prepared by a committee of French Canadian gentlemen. About the same time there appeared also a publication by Mr. Maseres, who had been Attorney General here some years previously; and which contained, not indeed anything like a connected statement of Canadian law, but several papers and documents having more or less bearing on Canadian law, and as a whole, of considerable interest. The other publications of that time, connected with the discussion of the Quebec Act, so far as I am aware, were not of a kind to call for mention; as they hardly, if at all, tended to throw light on any point of present interest. And it was not till 3 years later, in 1775, that Mr. Cugnet's well known (though now rather scarce) treatises--valuable, though much too short and slight of construction--was [sic] published in this country.

The imperfection and inaccuracy of statement which more or less mark all these works, in reference to the present subject, I shall have to note presently. For the moment, I observe merely that they appeared after a lapse of from 12 to 15 years after the cession of the country to the British Crown; that within 3 years after that event the King's Declaration (of 1763) had assured His Majesty's subjects of the introduction, as nearly as might be, of the laws of England; and that about the same time it had been ordered that the granting of Crown Lands in

Canada was to be in free and common soccage, that is to say, under the English law. All this time, therefore, people were kept in uncertainty as to the very existence of the old laws of the land; besides that they had had hardly any means of ascertaining (had they wished it ever so much) what those laws were. Of the Seigniors, in particular, few held even the titles of their Seigniories; and many, no doubt, had never seen them, and had no kind of knowledge of their terms. To those who are not familiar with the law and usages of this part of the Province, it may seem strange that people should not be in the habit of keeping their own deeds. But it is well known, to those who are, that such is the case. Deeds are passed, as matter of course, before Notaries,--public functionaries, who preserve the originals, and whose certified copies of such originals are always authentic, proving themselves in all Courts of law, whenever produced. In the same way, copies of a Royal grant or other public document, certified by the proper officer, serve every purpose of an original. Thus, nothing is commoner than for persons not to keep what one would call their most valuable papers; & it is not uncommon for them to become strangely ignorant of what they contain. There is even a peculiarity in the position of a Seignior, that makes this habit one into which he is peculiarly apt to fall; for in all those classes of action which a Seignior ordinarily has to institute in maintenance of his rights, he is under no necessity of showing his title. It is enough, if he allege and show himself to be the Seignior de facto in possession of such and such a Seignior.

Under all these circumstances, I repeat, there can be no wonder that the tradition which gained ground in the popular mind, should have been a tradition wide of the truth. It would rather have been strange, if the fact had been the other way; for the mass of the people, threatened with the loss of their laws and language, and apprehensive even for their faith, under the rule of strangers alien to themselves in all these respects, would naturally incline to cherish too favorable notions of the past; and the more educated classes would as naturally share, direct, develope and intensify this feeling. The past could not be remembered as it was; was painted of brighter color than the truth, its bad forgotten; good, that it never had, attributed to it.

Till the times of the discussion of the Quebec Act, however, we have nothing to show satisfactorily, how this particular matter was dealt with; or spoken of. Let us see how the writers of that time treated it.

Maseres has been spoken of, as an authority for the since current impression. The first document in his book (the book I have already mentioned) is a draft of a Report drawn by him, when Attorney General in 1769, and proposed by him for adoption by the Governor and Exectuive [sic] Council,--but which was not by them adopted,--on "the state of the laws and the administration of justice" in the Province. In the main, it is a strongly written expose of the evils arising out of the then existing uncertainty as to the state of the law--as between the conflicting French and English systems; and the writer argues ably and forcibly in favor of an entirely different policy, for their removal, from that adopted by the Quebec Act. All that he says on the point here under discussion, in this document, indeed the only [30] passage in his book, that I find, having reference to it, is the following:--"Leases," says he, (on p. 21) in the coure [sic] of his recital of the mischiefs of the existing state of things, "have likewise been made of land near Quebec for twenty-one years by the Society of Jesuits in this Province, though by the French law they can only be made for nine years. This has been done upon a supposition that the restraints upon the power of leasing land imposed on the owners of them by the custom of Paris, of which this is one, have no longer any legal existence. Upon the same principle many owners of Seigniories, Canadians as well as Englishmen, have made grants of uncleared lands upon their seigniories for higher quit-rents than they were allowed to take in the time of the French Government, without regard to a rule or custom

that was in force at the time of the conquest, that restrains them in this particular. And as the Seigniors transgress the French laws in this respect, upon a supposition that they are abolished or superseded by the laws of England, so the freeholders or peasants of the Province transgress them in other instances upon the same supposition. For example, there was a law made by the King concerning the lands of this Province, ordaining that no man should build a new dwelling house in the country (that is, out of towns or villages) without having sixty French arpents, or about fifty English acres, of land adjoining to it, and that if upon the death of a freeholder and the partition of his lands amongst his sons the share of each son came to less than the said sixty arpents of land, the whole was to be sold and the money produced by the sale divided among the children. This was intended to prevent the children from settling themselves in a supine and indolent manner upon their little portions of land, which were not sufficient to maintain them, and to oblige them to set about clearing new lands (of which they had a right to demand of the Seigniors sufficient quantities at very easy quit rents by which means they would provide better for their own maintainance and become more useful to the public). But now this law is entirely disregarded; and the children of the freeholders all over the Province settle upon their little portions of their father's land, of thirty, twenty, and sometimes of ten acres, and build little huts upon them, as if no such law had ever been known here; and when they are reminded of it by their seigniors and exhorted to take and clear new tracts of land, they reply that they understand that by the English law every man may build a house upon his own land whenever he pleases, let the size be ever so small. This is an unfortunate practice, and contributes very much to the great increase of idleness, drunkenness and beggary, which is too visible in this Province."

It is obvious to remark, upon the passing reference, here made to this supposed "rule or custom" as to quit-rents, how much more vague and slight it is than the after reference to the Ordonnance of the French King of 1745, prohibitory of building by habitans on lands of less size than an arpent and a half by thirty or forty, of which I have already spoken. Yet even this latter law is loosely and inaccurately paraphrased; and the added sentence, relative to the sale of land whenever division had to be made between the "sons" of a deceased proprietor, formed no part of it,--indeed,--never was the law, as it is loosely stated to have been. It is manifest that this paragraph was written argumentatively, for an end quite other than that of precisely stating the tenor of the old French law on any of these points, indeed, with no care for such accuracy, and as an inevitable consequence, not accurately. Even as it stands it fails to indicate the notion of a uniform rate. And, loose as it is, it is not at all borne out by facts, by the known tenor of those documents of the antecedent period, which embody the laws at which he glances.

I pass to the abstract of French Canadian law, of which also I have spoken, sent to England by the Governor, and there printed in 1772. In this work is to be found the first distinct printed mention that we find, of the Arrets of Marly of 1711. And it occurs (on p. 25) in precisely the connection in which, according to the view I have taken of this whole subject, I should expect to find it; that is to say, it occurs at that part of the work which treats of the limit set by the Custom of Paris to the right of the Seignior to alienate in any way portions of his fief, without the incurring of mutation fines in favor of his Superior Lord. That limit the compilers of this work correctly state (as I have already done) at the two thirds of the whole extent of the fief; adding, still correctly, that if that limit be exceeded, the party acquiring will at once hold of such Superior Lord--of course on payment of the proper fine. This explained, they add:--

"It is to be observed that this prohibition by the custom to alienate more than the two-thirds, is no obstacle to concessions tending to clearance, because

these are rather an amelioration than an alienation of the part of the fief. Accordingly, the Sovereign, by an arret of the Council of State of the 6th July, 1711, directed the Seigniors of this Province without reserve, (a or-donné aux Seigneurs dans cette Province sans aucune reserve) to concede the lands which should be demanded of them; in default of which they were to be conceded by the Governor and Intendant, and reunited to the King's domain.

On page 29 of the same work, the compilers speak of the tenure en censive. And here, if indeed they had known of any uniform rate, or even fixed maximum of rate, for grants, under that tenure, they were bound to state it. But they do no such thing. All they say is this:--"cens, censive, or fond de terre is an annual payment which is made by the possessors of a heritage held under this charge, to the seigneur censier, that is to say to the Seignior of the fief from which the heritage is held, in acknowledgement of his direct seigniory (directe Seigneurie). This due (redevance) consists in money, grain, fowls or other articles in kind (autre espèce). No hint here--none throughout the work--at any limit or restriction whatever.

On page 13, however, of a subsequent part of the same volume, consisting of a recital of important arrets, &c., the King's Ordonnance of 1745, so often mentioned, prohibitory of buildings on lots under a certain size, is of course given, as an important part of the old law. And further on, upon page 2 of the last part of the volume, and [31] as introductory to a resumé of what are printed as the Police Laws (Loix de Police) in force before 1760, occur the following remarks, indicative of the importance attached to that Ordonnance as part of the past public laws of Canada:--

"The laws of which we here give a synopsis were generally followed, with the exception of some few articles of little importance, which were changed by later laws. It were to be wished for the general good of the Province, that government would insist on their execution. The non-observance of some of them for nine or ten years past has already caused considerable harm as to the clearance of lands; and without desiring to enter into any detail, we can testify that the mere non-enforcement of the arret of the Conseil d'Etat of the 28th April, 1745, is one of the principal causes of the dearth which we have suffered for some time past. That arret prohibited the habitants from establishing themselves on less than an arpent and a half in front by thirty or forty in depth. It was enacted because children in dividing the property of their parents established themselves, each on his portion of the same land, insufficient for subsistence; a practice hurtful alike as regarded the subsistence of the towns, and the clearance of the country. The former government considered this matter so important that they caused to be demolished all houses built in opposition to this arret; notwithstanding which nothing at present is so common as establishments of this sort."

Following this introductory notice, and printed at the head of these Loix de Police, are the two arrets of Marly of 1711, and the arret of 1732, prohibitory of all sale of wild land. The compilers had no need to say particularly, as to these, that since 1760 they had not been enforced. There had been no court or functionary vested with the powers of the Governor and Intendant of the old time, to enforce the first; and no captains of the Côte, to do their part towards carrying out the summary procedure enacted by the second. And as to the third, it would have been strange indeed, if under English rule wild land would have been thought of, by any Court or Judge or functionary, as an unsaleable commodity.

Cugnet, then, is the remaining writer of this period, of whom I have to speak.

And the passage from his book, in relation to this matter, (pages 44 and 45 of the Loix des fiefs) reads thus:--

"The rules of concession, (les règles de concéder) in this Province are

1 sol of cens for each arpent of frontage, 40 sols for each arpent of frontage by 40 of depth in Argent Tournois, currency of France, 1 fat capon for each arpent of frontage, or 20 sols Tournois, at the choice and option of the Seignior, or one half minot of wheat for each arpent by the depth of 40, as seigniorial ground rent, (de rente foncière [sic] et seigneuriale) including the other seigniorial rights, (compris les autres droits seigneuriaux); and this in consequence of titles of concession that the intendants gave in the name of the king, on the lands conceded in the king's Censive.

"There does not appear (il ne paraît point) in the archives any Edict of the King, which fixes the seigniorial cens et rentes that the Seigniors are to impose. These rules grew up by usage. (Ces règles se sont établies par l'usage.) The king conceded thus the lands of habitans in his censive; (le roy a concédé ainsie [sic] les terres d'habitans dans sa censive); and there will be found true [sic] judgments only of Intendants (deux jugemens d'Intendants seulement) which confirm this usage; the one of Mr. Begon, Intendant, of the 18th April, 1710; and another of Mr. Hoequart [sic], also Intendant, of the 20th July, 1733. Besides, the lands are not conceded at one rate (ne sont point concédées également). They are in the District of Montreal at a higher price than in that of Quebec; no doubt, because the lands of Montreal are more valuable (plus avantageuses) then [sic] those of Quebec. These two judgments relate to lands in the District of Quebec."

This passage, I am aware,--far as it is from really stating it,--has contributed a good deal towards the formation of the popular belief in the existence, under the French government, of some uniform or maximum rate.

I remark, however, that it bears date 15 years after the cession of the country; and, whatever it may purport to say, can be no good evidence as to what was the fact before that event,--the documents of the time itself existing, and making full proof to the contrary.

But what, in truth does it say?--That the rules of concession in the Province--or rather that the ruling rates of concession in the Province, (for this latter expression, though a less literal translation, is certainly that which better gives the meaning of the French words used,) are so and so; and this, as a consequence of the rates of grant in the King's censives; there is no edict of the King imposing observance of them on the Seigniors in their grants to their censitaires; there are but two judgments of Intendants, confirmatory of the usage prevailing in that behalf, which, moreover, was not uniform,--the rates in the District of Montreal, ruling higher than those in that of Quebec; and lastly, these two judgments are as to land in the District of Quebec.

But this is in effect to say, that though there had come to be ruling or prevailing rates, there was no uniformity, no fixed rule, no enacted maximum.

Let me note, further, that in giving these ruling rates, as they are here given, for the grants in the Crown domain, Mr. Cugnet has unfortunately not contrived to be accurate. He was evidently not aware of the extent to which (as we now know, from the papers lately printed on the subject) these rates taken up by the Intendants varied, according to circumstances of place, time and otherwise. He has given two rates. One of these is the rate named in the ordonnance of the 23rd of January, 1738, on which I remarked some time since, (p. 170 of the second of the volumes laid before this House,) and by which M. Hocquart--the Seignioress interested having fyled her consent--named a rate for certain grants theretofore made by her in her Seignior; but this, as I then stated and must now repeat, does not appear from any of the printed grants of land within the Crown censives to have been a rate ever followed in any of those censives. The other is that of the two Point St. Frederic grants, on which also I have remarked; but I have shown from the documents themselves, that this last rate was by no means the only rate of the period, even for Crown grants [32] en censive; that it was higher than those of the Detroit and Lake

Erie grants of the same time,--and this, notwithstanding the fact (shown by M.M. Beauharnois and Hocquart's despatch of 1734--on p. 28 of vol. 4,) that in 1734 the King's sanction had been specially asked--and presumably obtained--for one of these Detroit rates. Not aware of these facts, and writing with no great effort at precision, Cugnet has fallen into error.

I say, not writing with much effort at precision. And this,--apart even from the mere looseness of his style, and the inaccuracy of statement which I have noted, it is easy to show.

He speaks of two judgments of Intendants, as the only judgments of which he was aware, tending to confirm his "usage"--so called--as regarded grants in the censives not belonging to the Crown.

One of these, he cites as a judgment of Mr. Begon, under date of the 18th April 1710. Begon became Intendant here, only in 1712. The judgment referred to, must be one of the 18th April 1713, printed on page 40 of the second of the Volumes laid before this House. Cugnet himself did not take the pains to print it among the Extraits of Edicts &c, which form the concluding part of his Volume. And I do not find that it was ever printed until now. As now printed, however, it proves to be a mere arret de circonstance, wholly without bearing on this vexed question of a fixed rate. The Seigneur of Eboulemens had petitioned the Intendant to reduce by one half the extent of a grant of 12 arpents frontage theretofore made by a former Seigneur, to one Tremblay; but for which a billet de concession only had been granted. The Intendant did so, and in so doing ordered:--Tremblay to take a deed for the part left to him, at the rate of 20 sols, and capon or 20 sols, at the choice of the Seigneur, for each arpent of front by 40 of depth, and 1 sol of cens for the 6 arpents of front. Why this rate was fixed, there is nothing to show. It may have been the rate stated in the original billet. It may have been the rate stipulated in the deeds of the adjoining lands. It may have been the rate specially prayed for by the Seigneur.--There is no word of its being a usual rate for the whole country. Besides, it ... positively does not answer to either of the two rates styled usual, by Cugnet. So far from giving color to his notion, that two rates were usual, and as such enforced on Seigniors by the Intendant, it shows the precise reverse,--that the Intendant here sanctioned quite another rate. It admits of remark--merely as an indication of the temper of those times,--that the judgment seems to have been an exparte order, on a Seigneur's application; the defendant censitaire, half of whose grant it took away, not being stated to have appeared--or been summoned to appear.

Of the other judgment cited, under date of the 20th July 1733, Cugnet gives [a] short abstract, (p. 64 of his Extraits,) just long enough to show that is [sic] also is no case in point. It is printed au long on page 157 of the second Volume lately laid before Parliament. In this instance, the Seigneur of Portneuf got an injunction against a number of his censitaires, ordering them to take titles for their lands; but not at either of the rates mentioned in Cugnet, not yet any one of those now known to have been stipulated [sic] at the time in any of the censives of the Crown, not answering to those fixed in the case just mentioned. Indeed, the command is in the alternative, so that one cannot precisely say what terms were ordered. The Seigneur had produced two old deeds of concession, granted in his Seigniory; the terms of which are not stated, though it is apparent from the recital, that they embodied a clause stipulating corvées or the performance of labor for the Seigneur [sic] by the censitaire, and also payment of an eleventh of all fish caught by the censitaire. And the injunction granted on his application, against all occupants of lands in his seigniors [sic] who had not taken deeds, was this; that they should forthwith take such deeds, either on the terms of these two deeds (corvées and all) or else at the rate of 30 sols and a capon per arpent by 40, 6 deniers of cens, and the eleventh of all the fish that they might take: a rate certainly not accordant with any one of the

many I have yet had to particularize.

Is more proof wanting to show that the tradition of a fixed or known maximum rate, is not to be maintained on the authority of M. Cugnet?

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and then he was directed to withdraw.

On motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Mr. Viger,

Ordered, That the further consideration of the Question be postponed until Monday next, and be then the first Order of the day.

Ordered, That the Counsel for the Petitioners be further heard on Monday next.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of the Honorable Mr. Robinson, seconded by the Honorable Mr. Cameron,

The House adjourned until Monday next.

FOOTNOTES: 11 MARCH 1853.

1. JOURNAL DE QUEBEC, 15 March 1853.
2. The following papers reported the resolutions adopted in partially identical accounts: MORNING CHRONICLE, 14 March 1853, MONTREAL GAZETTE, 16 March 1853, HAMILTON SPECTATOR DAILY, 22 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 23 March 1853, and HAMILTON SPECTATOR WEEKLY, 24 March 1853. This matter was noted by HAMILTON SPECTATOR DAILY, 12 March 1853.
3. MORNING CHRONICLE, 14 March 1853.
4. JOURNAL DE QUEBEC, 15 March 1853.
5. The address of Christopher Dunkin at the Bar of the House was reported serially by the following papers: MORNING CHRONICLE, 18, 21, 23, 25, 28 and 30 March, 1, 4 and 6 April 1853; JOURNAL DE QUEBEC, 22, 24, 26, 29 and 30 March, 2, 5, 7, 9, 12, 14, 16, 19 and 21 April 1853; MONTREAL GAZETTE, 23, 25, 28 and 30 March, 1, 4, 6, 8 and 11 April 1853; and LA MINERVE, 24 and 31 March, 2, 5, 7, 9, 12, 14, 16, 19, 21, 23, 26 and 30 April 1853 (a special supplement was included in LA MINERVE, 30 April 1853, to complete its coverage of the speech). There were also at least three pamphlet publications of the speech: Address at the Bar of the Legislative Assembly of Canada delivered on the 11th & 14th March, 1853, on behalf of Certain Proprietors of Seigniories in Lower Canada, against the Second Reading of the Bill, entitled "An Act to define Seigniorial Rights in Lower Canada, and to facilitate the Redemption thereof." by Christopher Dunkin, M.A. Advocate. Quebec: Printed at the Office of the Morning Chronicle, 1853. [68 p.] (hereafter known as the MORNING CHRONICLE Pamphlet); a second English pamphlet identically titled except for the substitution of "intituled" for "entitled," whose title page bears the mention, "Quebec: Printed at the Canada Gazette Office, 1853." [109 p.] (hereafter known as the CANADA GAZETTE Pamphlet); and Discours de C. Dunkin, ecuyer, devant la Chambre d'Assemblée du Canada, au nom de certains seigneurs, signataires d'une petition à cette honorable Chambre contre un bill introduit par l'honorable procureur-général Drummond, intitulé: Acte pour définir les droits des seigneurs et des censitaires dans le Bas-Canada, et pour en faciliter le rachat. [178 p.] (This title is that on the first page of text, as a copy of the pamphlet (hereafter known as the French Pamphlet) with a title page has not been found.)

The part of the two-day speech given 11 March 1853 was noted in identical accounts by the following papers: BRITISH WHIG, 14 March 1853, GLOBE, 15 March 1853, NORTH AMERICAN WEEKLY, 17 March 1853; MORNING CHRONICLE, 14 March 1853, and MONTREAL GAZETTE, 16 March 1853. It was also noted in BRITISH COLONIST, 22 March 1853, which contained a commentary. A commentary also appeared in MORNING CHRONICLE, 18 March 1853 (in a separate account). A commentary on the whole speech appeared in BRITISH COLONIST, 22 March 1853 (in a separate account). These shorter accounts have not been used in the reconstruction of the speech.

The longer accounts, it is worth noting, are all based on the shorthand notes of one man, identified by the MONTREAL GAZETTE, 25 March 1853, as "Mr. [Edward Goff] Penny, who seems to have taken down every expression of the speaker." MORNING CHRONICLE, 18 March 1853, commented: "It is impossible to withhold from the gentleman who reported the speech that which any one who heard Mr. Dunkin will admit is merited a favourable expression of opinion, as to its faithfulness, considering that the whole has been written out from short hand notes and printed before Mr. Dunkin himself even saw the proofs to correct any misstatement, which through misapprehension a speech so reported may have contained. This praise is due to a reporter who is co-editor of one of the leading papers in Montreal [the MONTREAL HERALD], a reporter evidently of equal ability to the short hand writers engaged on the

London Times or any other paper."

The MORNING CHRONICLE Pamphlet, "printed before Mr. Dunkin himself even saw the proofs," has here been reproduced entire (figures within square brackets in the text are page numbers of this pamphlet). It has been used in preference to the MORNING CHRONICLE serial newspaper publication because the newspaper version, though printed from the same type, is harder to read. The MONTREAL GAZETTE serial publication is identical to the MORNING CHRONICLE Pamphlet except for mistakes of transcription.

The French Pamphlet is a translation of the MORNING CHRONICLE Pamphlet. In it Dunkin's own translations of original French documents are not re-translated but replaced by quotations from the original documents (with modernized spelling). Differences between the French Pamphlet and the MORNING CHRONICLE Pamphlet which are the result of these substitutions, and differences which arise from liberties or obvious errors of the translator are not noted, but differences of substance are to be found in the following footnotes. The JOURNAL DE QUEBEC serial publication is printed from the same type as the French Pamphlet. The LA MINERVE serial publication begins, 24 March 1853, as an independant translation. After that date it reproduces, except for mistakes of transcription, the French Pamphlet.

The CANADA GAZETTE Pamphlet, an official or semi-official government publication of the speech, is the MORNING CHRONICLE Pamphlet version as revised--the first-person postscript suggests--by Dunkin himself. Differences between it and the MORNING CHRONICLE Pamphlet are largely differences of style, and for this reason the MONTREAL CHRONICLE Pamphlet has been preferred as more likely reflecting the words actually spoken in the House, and these differences are not noted. All differences of substance--which are largely confined to the earlier part of the speech--are to be found in the following footnotes. The CANADA GAZETTE Pamphlet postscript, also printed--rather hastily translated--in the French Pamphlet and JOURNAL DE QUEBEC, is here included as a footnote to the passage to which it refers.

Christopher Dunkin's speech occupied, to all intents and purposes, the whole of the sittings of the 11th and 14th March 1853. According to the MORNING CHRONICLE, 14 March 1853, he spoke "for five hours" on the 11th, and according to the HAMILTON SPECTATOR DAILY, 16 March 1853, "for about six hours" on the 14th. "Altogether," according to the BRITISH COLONIST, 22 March 1853, "he spoke about twelve hours." There is no indication in any of the accounts of the speech of the point at which Dunkin broke off for the adjournment of the 11th, so an arbitrary division has been made.

MORNING CHRONICLE, 14 March 1853, commented, "During the ... address ... [on the 11th] the house was greatly crowded. It was generally supposed that Colonel Gagy, who was noticed sitting near the speaker was about to follow Mr. Dunkin, and some disappointment was felt by the bystanders when it was discovered that such was not the case."

BRITISH COLONIST, 22 March 1853, commented as follows on the whole speech: "His [Mr. Dunkin's] speech was a great effort, and elicited admiration from every one, even from those who dissented from his conclusions. Certainly he had prepared his case with very great industry....His diction was very clear, precise, and elegant. He took up the points of his subject in perfect order, and was never for one moment at a loss, but passed on from point to point in a manner admirable to behold. When he first appeared at the bar nobody would have suspected him to be capable of so great and energetic an effort, as this speech of his exhibited. His personal appearance is the very reverse of the ideal of an orator. His stature is very slight, and his chest very narrow. His head small and his face pale. In truth he looked more like a little boy, than those fancies one usually entertains of the appearance of an orator. But during his long speech, he never flagged,

and his firm clear voice never faltered. His peroration was eloquent and of a character altogether superior to the common hack oratory of the House."

6. French Pamphlet (p.2): "pour emporter cette mesure."
7. CANADA GAZETTE Pamphlet (p. 4): "holders of an estate in fee simple."
8. French Pamphlet (p. 3): "il peut s'en suivre qu'il n'y a pas de miséricorde à leur montrer."
9. French Pamphlet (p. 4): "depuis 90 ans."
10. French Pamphlet (p. 4): "m'obligent ... de ne pas omettre cet argument [sic]."
11. CANADA GAZETTE Pamphlet (p. 4): "I cannot resist the force of the evidence which has convinced me, that on this subject, circumstances have given currency to opinions...."
12. CANADA GAZETTE Pamphlet (p. 5): "mere land-granting trustees."
13. CANADA GAZETTE Pamphlet (p. 6) adds, "(either en fief or en roture,) if he pleased."
14. CANADA GAZETTE Pamphlet (p. 6): "whatever might be the conditions."
15. CANADA GAZETTE Pamphlet (p. 6): "a fief or part of a fief."
16. French Pamphlet (p. 8): "Il ne pouvait le donner ni en tenure noble, ni en roture; il ne pouvait qu'exiger une faible redevance annuelle."
17. CANADA GAZETTE Pamphlet (p. 7): "In 1627."
18. CANADA GAZETTE Pamphlet (p. 7): "in the Second of the Volumes lately laid before Parliament, on the 3rd and following pages."
19. CANADA GAZETTE Pamphlet (p. 8): "1627."
20. French Pamphlet (p. 10): "mais aucune ne paraît avoir été en force."
21. CANADA GAZETTE Pamphlet (p. 8): "sixty-one grants en fief."
22. CANADA GAZETTE Pamphlet (p. 8): "The total grants en fief."
23. CANADA GAZETTE Pamphlet (p. 8) adds, "and to be found on page 386 of the First of the Volumes laid before this House."
24. French Pamphlet (p. 11): "faite à un rotturier [sic]."
25. CANADA GAZETTE Pamphlet (p. 9): "a fief at Three Rivers to the Jesuits."
26. CANADA GAZETTE Pamphlet (p. 10): "some eight other grants."
27. CANADA GAZETTE Pamphlet (p. 10): "is another of the two or three that imply an obligation on the part of the grantee to bring out settlers."
28. CANADA GAZETTE Pamphlet (p. 11) adds, "--or indeed to part with them at all."
29. CANADA GAZETTE Pamphlet (p. 11) adds, "Generally speaking, the grants were made for the avowed purpose of enriching the grantee."
30. CANADA GAZETTE Pamphlet (p. 12) adds, "printed in 1803 and 1806."
31. French Pamphlet (p. 18) adds, "(ou plutôt vice-roi)."
32. CANADA GAZETTE Pamphlet (p. 12) substitutes the following for this paragraph:

"In May 1664, the King created a new Company, the Company of the West Indies, with powers and privileges as regarded all the American possessions of the French Crown, nearly answering to those which the Company of New France, had enjoyed in respect of Canada.

"Nearly three years later, we arrive at the date of the earliest in order of time, of the documents forming the first part of the Fourth Volume lately laid before this Honorable House. As those documents (the documents obtained within the last year from Paris) have been said to furnish strong evidence against my clients, I shall feel it necessary to advert to all of them; and I begin with this. It purports to be an extract from a draft of a regulation (projet de règlement) prepared by Messrs. De Tracy and Talon, then respectively Governor and Intendant of New France, under date of the 24th of January, 1667, relative to the granting of land; and is to be found on page 5 of the Volume in question. It is thereby suggested:--"
33. CANADA GAZETTE Pamphlet (p. 13): "registered in Canada."

34. CANADA GAZETTE Pamphlet (p. 13) adds, "the Comte de Frontenac."
35. CANADA GAZETTE Pamphlet (p. 13) substitutes the following for this sentence: "... --a duty, it thus seems, which still remained to be performed, notwithstanding the intention five years before expressed by him on that head, in the extract last read. The King complains, that his subjects in New France have obtained too extensive grants of land, great part of which remains uncleared, 'by reason of the excessive size of the grants, and the want of means of the proprietors thereof--(à cause de la trop grande étendue des dites concessions, et de la faiblesse des propriétaires d'icelles)'; and he thereupon orders M. Talon to make out an exact return of the grants made, and of their state as to number of persons, cattle, &c. on each,--after which, he is to resume the one half of the extent of the grants made previous to the last ten years, and to regrant them to new applicants, on condition always of their clearing them entirely in the course of the four years immediately following. Again, no trace of the notion of any of these grantees not being owners of their grants. On the contrary, they are expressly so called. Nor yet, of their being under obligation to sub-grant."
36. CANADA GAZETTE Pamphlet (p. 13) adds, "If it had been acted on, there would have been no grants in force of a date previous to the last ten years."
37. CANADA GAZETTE Pamphlet (p. 13) substitutes the following for this sentence: "Nor was this of 1672, acted on a whit more. Talon drew up no such return as was ordered; and resumed no halves of grants. There is no trace of any half of a grant having ever been resumed. Instead of acting on this Arrêt, in fact, M. Talon did something quite different; for he immediately granted a great number of Seigniories, without so much as putting into the grants the condition of clearance within four years, as by this Arrêt he was pointedly enjoined to do."
38. CANADA GAZETTE Pamphlet (p. 13) substitutes the following for this sentence: "A third Arrêt of the same class is to be found on page 136 of the Third of the Volumes laid before Parliament. Its date is of 1675, and it was registered here on the 21st of October of that year. It is a transcript, almost without change of a word, from that of 1672; and in fact, issued on the occasion of the appointment of M. Duchesneau to succeed Talon, as Intendant of the country. Equally with its predecessor, however, it failed (as regarded escheat of land) to be acted on."
39. CANADA GAZETTE Pamphlet (p. 13) substitutes the following for this sentence: "In 1676, the King issued a Commission, (to be found on page 24 of the First of the Volumes before Parliament) by which he vested the power of granting land in New France, in the Governor and Intendant jointly; the power, up to that time, having been exercised sometimes by one, and sometimes by the other, of those Officers. The grants were to be made subject to confirmation by the King within the year, and on condition also of clearance and improvement of the land within the six next following years; and were to be made contiguous to one another and to the grants already made and cleared--'de proche en proche et contigues aux concessions qui ont été faites ci-devant, et qui sont défrichées.' No other conditions were enjoined. And in fact, in the grants as made, these injunctions were not obeyed. The six years' clearance clause was never inserted; any more than the four years' clearance clause previously enjoined had been."
40. CANADA GAZETTE Pamphlet (p. 14): "The fourth and last Arrêt of which I have to speak in this connexion, bears date three years later, in 1679; and is only to be found on page 247 of the first volume of the Edits et Ordonnances. It recites that, at last, the return or land-roll, ordered in 1672 and 1675, had really been made, and that it showed the greater part of the granted lands to be still unimproved and 'useless to its owners

(inutile aux propriétaires)'; and thereupon, it first ordered the execution of the Arrêt of 1675,--admitted, therefore, till that time to have remained unacted on,--and then enjoined a course quite other than the course indicated by that Arrêt,--that is to say, ordered that one fourth of all the lands granted before 1665, and not presently cleared and cultivated should be 'taken from the proprietors and possessors thereof, (re-tranché aux propriétaires et possesseurs d'icelles),' and one twentieth part of whatever should be the uncleared remainder of each grant, yearly thereafter."

41. CANADA GAZETTE Pamphlet (p. 14): "A few of them, some six in number, were granted by the Company of the West Indies; all in the same terms. The grant of the Seigniorie of Rivière-du-Loup en bas, is one of these; and is to be found on page 39 of the First of the Volumes laid before Parliament."
42. CANADA GAZETTE Pamphlet (p. 14) adds, "subject only to the rendering of foi et hommage, with payment of an écu d'or on every change of possessor, and on condition of clearance being begun, a survey made, and bounds (bornes) planted, within two years."
43. CANADA GAZETTE Pamphlet (p. 14): "The grants of Terrebonne and Petite Nation (neither of them printed in the Volumes laid before Parliament, but of which I have obtained copies) are in the same terms."
44. CANADA GAZETTE Pamphlet (p. 14): "were confirmed by the Royal Edict of 1674 (see page 20 of the Second Volume laid before Parliament) revoking the Company's Charter."
45. CANADA GAZETTE Pamphlet (p. 15): "legally impossible for the grantee to dispose of either en fief or à cens."
46. CANADA GAZETTE Pamphlet (p. 15): "Numbers of grants, in this way or otherwise, are utterly inconsistent with the idea of an obligation to sub-grant."
47. CANADA GAZETTE Pamphlet (p. 15) adds, "to be found on page 322 of the First of the Volumes laid before Parliament."
48. CANADA GAZETTE Pamphlet (p. 15) adds, "made in 1672, and to be found on pages 10 and 275 of the First Volume so often mentioned."
49. CANADA GAZETTE Pamphlet (p. 15): "censitaire tenants."
50. CANADA GAZETTE Pamphlet (p. 16): "live on their lands and preserve their oak trees."
51. CANADA GAZETTE Pamphlet (p. 16): "(on page 101 of the same Volume)."
52. CANADA GAZETTE Pamphlet (p. 16): "In ... those of St. Maurice and Gentilly, (on page 155 and 13 of the same Volume,) the whole is cut down into a clause, in which the very word tenancier does not appear."
53. CANADA GAZETTE Pamphlet (p. 16) adds, "(see page 329 of the same Volume) under date of 1688."
54. CANADA GAZETTE Pamphlet (p. 16) adds, "(see pages 242 and 243 of the Second of the Volumes laid before Parliament)."
55. CANADA GAZETTE Pamphlet (p. 17) adds, "to be found on page 6 of that Volume."
56. CANADA GAZETTE Pamphlet (p. 17) adds, "(page 9)."
57. CANADA GAZETTE Pamphlet (p. 17) adds, "(see pages 10 and 11)."
58. CANADA GAZETTE Pamphlet (p. 18) adds, "although, no doubt, the name of D'Aguesseau, afterwards Chancellor of France, is a great name."
59. CANADA GAZETTE Pamphlet (p. 18) adds, "(the next document commencing on page 11 of this same Volume)."
60. CANADA GAZETTE Pamphlet (p. 18) adds, "(see page 13)."
61. CANADA GAZETTE Pamphlet (p. 18): "is to be found on page 245 of the Second of the Volumes before Parliament, and is in these words:--."
62. CANADA GAZETTE Pamphlet (p. 18): "the clauses of the deeds of concession."
63. CANADA GAZETTE Pamphlet (p. 18): "the suit."

64. CANADA GAZETTE Pamphlet (p. 19): "necessarily imply."
65. CANADA GAZETTE Pamphlet (p. 19): "The fact was, the Seigniors were by law at liberty to do what they pleased, in the way of granting their land à titre de redevance, or refusing so to do and insisting on cash. This Arrêt purported to take from them the right of so refusing. But it did not take from them the right of making any bargain that any Habitant might be willing to make with them,--whether as to rate of dues or otherwise."
66. CANADA GAZETTE Pamphlet (p. 19): "to grant à titre de redevance."
67. CANADA GAZETTE Pamphlet (p. 19): "another, to be found on page 246 of the same Volume."
68. CANADA GAZETTE Pamphlet (p. 20): "upon a simple Certificate from the Curé and Captain of the Côte ('sur les certificats des Curés et Capitaines de la Côte') that such and such Habitants had failed for one year to keep hearth and home upon their lands and had not brought them into a state of cultivation ('comme les dits Habitans auront été un an sans faire feu et lieu sur leurs terres, et ne les auront point mises en valeur,') their lands should be at once escheated to the domain of the Seignior, by Judgment (Ordonnances) to be rendered in that behalf by the Intendant."
69. CANADA GAZETTE Pamphlet (p. 21) adds, "under date of the 26th of June 1717;".
70. CANADA GAZETTE Pamphlet (p. 21): "could not have had the Royal sanction."
71. CANADA GAZETTE Pamphlet (p. 21): "after 1712, the date of the promulgation in Canada, of the Arrêts of Marly."
72. CANADA GAZETTE Pamphlet (p. 21) adds, "(and printed on page 454 of the First Volume laid before this House)."
73. CANADA GAZETTE Pamphlet (p. 21) adds, "(printed on page 455 of the same Volume)."
74. CANADA GAZETTE Pamphlet (p. 22): "but I have had the good fortune to be able to peruse an authentic copy of it, and so to ascertain the fact, that, while it purports...."
75. CANADA GAZETTE Pamphlet (p. 23): "on page 240 of the First Volume laid before this House."
76. CANADA GAZETTE Pamphlet (p. 23): "the grant of an Augmentation of St. Jean or Maskinongé (I hardly know by which name the Augmentation ought to be called)."
77. French Pamphlet (p. 33): "J'ai déjà dit qu'en 1716, il avait été défendu d'accorder de nouvelles seigneuries."
78. CANADA GAZETTE Pamphlet (p. 23): "page 240."
79. CANADA GAZETTE Pamphlet (p. 23) adds, "(under date of the 22nd of July 1730)."
80. CANADA GAZETTE Pamphlet (p. 24): "in 1673 created it."
81. CANADA GAZETTE Pamphlet (p. 24) adds, "(on page 20,)."
82. CANADA GAZETTE Pamphlet (p. 24): "several judgments (Ordonnances)."
83. CANADA GAZETTE Pamphlet (p. 24): "the Minister said ... the King has felt."
84. CANADA GAZETTE Pamphlet (p. 25) adds, "(on page 21)."
85. CANADA GAZETTE Pamphlet (p. 26): "on page 23 of the same Volume."
86. CANADA GAZETTE Pamphlet (p. 26) adds, "(page 24)."
87. CANADA GAZETTE Pamphlet (p. 26): "This Arrêt (to be found on page 228 of the Second of the Volumes before this House) orders a new comminatory publication of the two Arrêts of Marly."
88. So CANADA GAZETTE Pamphlet. French Pamphlet (p. 40): "1717 et 1718."
89. French Pamphlet (p. 41): "le 11."
90. CANADA GAZETTE Pamphlet (p. 28): "premises."
91. CANADA GAZETTE Pamphlet (p. 31) adds, "(see page 33)."
92. CANADA GAZETTE Pamphlet (p. 32): "St. Jean or Maskinongé."

93. "See, however, Postscript [sic]." (CANADA GAZETTE Pamphlet p. 35, footnote.) The postscript (pp. 108, 109) to the CANADA GAZETTE Pamphlet was as follows:

"My remarks (on page 35), upon the Arrêt of the 29th of May, 1713, rendered by the Conseil Supérieur de Québec, in the matter of the Fargy de Beauport Village lots, were predicated upon the abridged report of its tenor, to be found in the Second Volume of the Edits et Ordonnances, and which I quoted verbatim. Before so quoting,--as I was aware that these abridgments are often not to be relied upon,--I had endeavoured to ascertain the tenor of the Arrêt itself as recorded; but had not been able to do so. A day or two afterwards, I learnt that my enquiries had led to the finding of the Arrêt in question; and I have now an authentic copy of it before me.

"Its tenor unequivocally proves (as I was sure it must do) that the case was not one ever so remotely connected with the matters involved in the Arrêts of Marly.

"As long back as the 22d of July, 1669, an Arrêt or Judgment had been rendered by the Conseil Supérieur, between the Seignior and a number of Habitans, holders of Village lots in the Village in question. I have not been able to obtain it; but from the manner in which it is referred to, it is plain that it was a Judgment regulating the establishment of the Village (after the fashion of the day) in all manner of particulars.

"In 1713, disputes had arisen between the Seignior and some of the Habitans of the Village, as to several matters not very clearly explained, but evidently arising out of these regulations. And the Arrêt here in question, was accordingly thereupon rendered 'by way of explanation of the Arrêt (en expliquant l'Arrêt) of the 22d of July, 1669'. It began by maintaining each Habitant in his holding of the lot--one arpent in extent--granted to him. Then, it went on to provide as to the mode of apportionment of the rest of the Village plot among the claimants for further grants; and then, and as part of these regulations, it directs--first, that these further grants be made at a rate not exceeding one sol and a capon-fowl (a value at some ten-pence half-penny according to the then valuation of the capon) for each of such Arpent lots,--and secondly, that all grants made in the Village 'since the said Arrêt of the 22d July, 1669' be reduced to that amount.

"Those made before that date are not touched. And the inferences are obvious; first, that there were higher rates of grant bearing earlier date, which were held good; and secondly, that for some reason not now apparent, the Judgment of 1669 had so fixed the rights of all parties from that time forward, as in the opinion of the Conseil, sitting in 1713 upon the case, to warrant this cutting down of grants made since that date.

"Whether they were right or wrong in so holding, one cannot say, in ignorance of the terms of the old Judgment which they were professing to carry out. But it is clear that the case was a special case, and wholly unconnected with the subject matter of the Arrêts of Marly.

"Yet the inaccurate abridgment of it, to be found in the Second Volume of the Edits et Ordonnances, has been misconstrued into an evidence of the supposed meaning and style of enforcement of the first of those Arrêts."

94. CANADA GAZETTE Pamphlet (p. 38): "page 142."
 95. French Pamphlet (p. 60): "Il n'y avait que cette influence qui pût empêcher les taux de concession de s'élever."
 96. French Pamphlet (p. 63): "point les plus rigoureux ... ni les moins conformes à la loi."
 97. French Pamphlet (p. 63): "40."
 98. CANADA GAZETTE Pamphlet (p. 42): "a sol of rente per superficial arpent."
 99. French Pamphlet (p. 64): "1755."
 100. French Pamphlet (p. 67): "en 1707."

MONDAY, 14 MARCH 1853.

(580)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Wright of the West Riding of York,--The Petition of John Burgess and others, of the Village of Brampton, Canada West.

By Mr. Christie of Wentworth,--The Petition of William Hepburne, and others, of the Village of Chippawa and neighbourhood.

By the Honorable Mr. Robinson,--The Petition of W.B. Hamilton and others, of the Townships of Tiny and Tay.

By Mr. Turcotte,--The Petition of the Reverend J.H. Sirois and others, of the Parish of St. Barnabé, County of St. Maurice.

By the Honorable Mr. Young,--The Petition of the Right Reverend the Lord Bishop of Montreal and others, the Patrons and Committee of Management of the Montreal Dispensary; and the Petition of the Honorable John Young and the Honorable W. Badgley, of the City of Montreal.

By Mr. Willson,--The Petition of E.B. McCrady and others, the Municipal Councillors of the Township of South Dorchester.

By Mr. Taché,--The Petition of the Reverend J.L. Marceau and others, of the Parish of St. Fabien.

By Mr. Brown,--The Petition of Robert Hamilton and others, of the Village of

(581)

Queenston and neighbourhood; the Petition of William Porterfield and others, of the Village of Dunville; the Petition of H. Glass and others, of Sarnia; the Petition of the Reverend J. McLachlan and others, of the Village of Acton; and the Petition of Francis Chapman and others, of the Village of Wallaceburgh.

By Mr. Dubord,--The Petition of the Council of the Quebec Board of Trade; and the Petition of the Reverend Augustin Milette and others, of St. Augustin and other Parishes, in the County of Portneuf.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Montreal and New York Railroad Company; praying that the Montreal, Bytown, and Ottawa Grand Trunk Railway Company may not be empowered to make their Road through certain streets in the City of Montreal, specified in a plan deposited according to Law by the Montreal and Lachine Railroad Company, whose rights and privileges become by Law united with those of the Petitioners.

Of Joseph Clement and others, of the Township of Niagara; praying that the side lines of the said Township may be settled according to a certain plan agreed upon by the Petitioners.

Of the Municipality of the Township of Niagara; praying for the passing of an Act to confirm certain Road allowances as originally surveyed and laid out in the said Township.

Of the Municipality of the Village of Paris; praying for certain amendments to the Bill to amend and consolidate the several Acts for the construction of Plank and other Roads by Joint Stock Companies in Upper Canada.

Of the Right Reverend the Lord Bishop of Montreal, President of the Committee of the National School Society; praying for aid in behalf of the said Institution.

Of Allan Macdonell and others, of the City of Toronto, and others; praying for an Act of Incorporation to enable them to construct a Railway from Lake Huron to the Pacific Ocean, and that the lands to the width of sixty miles along the line of such Railway may be granted or sold to the said Company on such terms as may be paid for the extinguishment of the Indian Title thereto.

Of Augustin Gauthier, Junior, Esquire, and others, of the City of Quebec; and of D. Lemaître Augé and others, of the Parish of St. Antoine de la Rivière du Loup, County of St. Maurice; praying for the incorporation of a Company to

construct a Railroad from Quebec to Montreal on the North Shore of the River St. Lawrence, and that the Provincial guarantee may be extended thereto.

Of William H. Merritt, Esquire, and others, of the Town of St. Catherines [sic]; praying for an Act of Incorporation under the name of "The Welland Canal, Gas and Water Company."

Of Thomas Simard and others, Pilots for the River St. Lawrence in and below the Harbour of Quebec; praying that the Bill to regulate the Pilotage for and below the Harbour of Quebec may not pass into Law.

Of the Mayor and Councillors of the City of Quebec; praying for the repeal of so much of the Act 12 Vic. cap. 114, as vests the Cul-de-Sac in the said City in the Trinity House of Quebec, and that the control and possession of the said Cul-de-Sac may be vested in the Corporation of the said City, in order to remedy certain evils arising from its present condition.

Of Sarah A.E. Wilson and others, Sunday School Teachers of the City of Quebec; praying the adoption of measures to prohibit all labor in the Public Departments on the Lord's Day.

Of the Reverend John Cook, D.D., and others, of the City of Quebec; praying the adoption of measures to prevent public sales from taking place, under the authority of the Sheriff, on the Lord's Day.

(582)

On motion of Mr. Sicotte, seconded by Mr. Paige,

Ordered, That the Select Committee on the Megantic Election Petitions have leave to adjourn until Thursday next, to enable the Parties to procure Witnesses.

Mr. Hartman, from the Standing Committee on Standing Orders, presented to the House the Twenty-seventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Josiah Strong and others, for a division of the Township of Sandwich,--of John R. Lambly and others, for authority to construct a branch in Megantic, from the Quebec and Richmond Railway,--of the Mayor and Town Council of the Town of Bytown, for incorporation of said Town as a City,--and of William Carling and others, for an Act to vest in them a certain part of Church Street in the Town of London, and they find the Notices in each case to be sufficient.

On the Petition of L.H. Schofield and others, for authority to construct a Railway from Port Whitby to Sturgeon Bay, it appears that sufficient Notice has been published in the County of Ontario, but none in the County of Simcoe; it has however been represented to Your Committee that it is the intention of the Petitioners to terminate their Road by connecting it with the Line (already chartered) leading from Peterborough to Georgian Bay, if arrangements to that effect can be made, in which case it would probably be confined to the County of Ontario. Under these circumstances Your Committee beg leave to recommend a suspension of the 64th Rule, as regards that portion of the proposed Line within the County of Simcoe.

On the Petition of the President and Directors of the Cobourg and Peterborough Railway Company, for authority to construct certain branch lines within the County of Peterborough, and one within the County of Northumberland, Your Committee find that Notice has been given within the County of Peterborough only; they therefore beg leave to recommend that in any Bill to be passed upon this subject, authorizing the construction of branches, the Company be confined to those lying within the limits of the County of Peterborough.

On motion of the Hon. MR. MERRITT,¹

(582)

Resolved, That the Petition of the Municipal Council of the United Counties of Lincoln and Welland, relative to Concession allowances and side Lines, be

referred to a Select Committee, composed of the Honorable Mr. Merritt, the Honorable Mr. Rolph, Mr. Street, the Honorable Mr. Robinson, and Mr. Morrison, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That the Petition of the Municipal Council of the United Counties of Lincoln and Welland, relative to the Lunatic Asylum Tax; the Petition of James W.O. Clark and others, of the Counties of Lincoln and Welland; and the Petition of the Reverend A.F. Atkinson, Chairman, and others, Members of the Board of Trustees for the Grammar School at St. Catharines, be referred to the said Committee.

On motion of the hon. MR. MERRITT,²

(582)

Ordered, That the Petition of James Emmett and others, of the Township of Grantham, County of Lincoln; and the Petition of H. Mittleberger and others, of the Town of St. Catharines, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

On motion of MR. RIDOUT,³

(582)

Ordered, That the Petition of John Watkins, President, on behalf of the Board of Trade of the City of Kingston, be referred to the Select Committee to which was referred the Petition of Messieurs Bryce, McMurrich and Company, and others, Merchants and Traders, of the City of Toronto.

(583)

Ordered, That the Petition of John Watkins, President, on behalf of the Board of Trade of the City of Kingston, be printed for the use of the Members of this House.

Ordered, That Mr. Shaw have leave to bring in a Bill to authorize a Survey to define and establish the boundary between the fourth concessions of the Townships of Montague and North Elmsley, in the County of Lanark.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Clapham have leave to bring in a Bill to incorporate the Megantic Junction Railway and Canal Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That the Petition of the Montreal and New York Railroad Company be printed for the use of the Members of this House.

Ordered, That Mr. Morrison have leave to bring in a Bill to incorporate the Upper Canada Bible Society.⁴

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Sur motion de l'honorable DR. LATERRIERE,⁵

(583)

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to prevent fishing with Seines and other Nets for Trout and other Fish in the Lakes within the County of Saguenay," and the same were read, as follow:--

Page 1, line 13. Leave out from "shall" to "take" in line 14.

Page 1, line 14. Leave out from "Trout" to "in" where it occurs the first time in line 15.

Page 1, line 15. Leave out from "Lakes" to "in" where it occurs the second time.

Page 1, line 17. Leave out from "Lakes" to "in" where it occurs the second time.

Page 1, line 18. Leave out from "Trout" to "therein" in line 19.

Page 1, line 19. After "spear" insert "between the fifteenth day of September and the fifteenth day of November in any year."

In the Preamble of the Bill.

Page 1, line 1. Leave out from "that" to "species" and insert "a certain."

In the Title of the Bill.

Line 2. Leave out from "Trout" to "in."

Line 3. After "Saguenay" insert "during a certain season of the year."

The said Amendments being read a second time, and the Question being put, That this House doth agree with the Legislative Council in the said Amendments:-- It passed in the Negative.

Resolved, That a Select Committee, composed of the Honorable Mr. LaTerrière, Mr. Christie of Gaspé, Mr. Taché, Mr. Chapais, and Mr. Lemieux, be appointed to draw up Reasons to be offered to the Legislative Council, at a Conference, for disagreeing to the said Amendments.

On motion of Mr. Street, seconded by Mr. Ridout,

Ordered, That the 64th and 66th Rules of this House be suspended as regards a Bill to increase the Capital Stock of the Niagara Falls and Suspension Bridge Company.

(584)

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Badgley,

Ordered, That the 74th Rule of this House be suspended as regards such Railway Bills as have been referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

On motion of Mr. Stuart, seconded by Mr. Egan,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to lay before this House, copies of any Communications he may have received to the effect that the British Government were about to grant half the funds necessary to construct that portion of the Intercolonial Railway which lies between Miramichi and Trois Pistoles or River du Loup, or any other Communication in any way relating to that portion of Railway, with copies of any Communications relating to the construction of the Railway to Trois Pistoles, and the formation of the Company in relation thereto, and generally all information and documents connected with these important Public Works.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

The House, according to Order, resumed the further consideration of the Question which was on Friday last proposed, That the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof, be now read a second time.

And the Counsel for the Petitioners against the Bill was again called in, and heard.⁶

CHRISTOPHER DUNKIN [continued his speech:]

Fifteen years more are to be passed over. In 1790, we find the Seigniorial tenure and its proposed commutation into that of Free and Common Soccage, again--and this time somewhat seriously--taken up. Apropos of this discussion, we have several documents, printed in the third of the volumes laid before Parliament; a report of Mr. Solicitor General Williams, addressed to the Committee of the Executive Council; a document drawn up by Mr. DeLanaudière, and laid before that body; certain resolutions of the Council on the subject; and the dissent and reasons of dissent of Mr. Mabane, a member of the Council, from those resolutions.

The first of these documents (see p. 30 of the English version of this volume) refers to this matter of the Arrets of Marly, and so forth, in language that has been cited as furnishing important evidence of the existence and amount of this fancied fixed rate of dues. I cite the words:--

"By one of the Arrets aforementioned of the 6th July, 1711, the Grantees were bound to concede lands to their Subfeudatories for the usual cens et rentes et redevances [sic], and by the Arret of the 15th of March, 1732, upon non-compliance on the part of the Royal Grantee, the Governor and Intendant were impowered and directed to concede the same on the part of the Crown, to the exclusion of the Grantee, and the Rents to be payable to the Receiver General."

Now, in this short sentence, there are two obvious inaccuracies, such as one could hardly suppose that a man of high official and professional standing could have made. First, there is not in the arret of 1711, as we have seen, a word about "usual cens et rentes et redevances;" but only a requirement that lands be granted "à titre de redevance," enforceable in a prescribed way, and in no other. The very words "cens et rentes" do not appear in it, any more than the word "usual." Next, it is not the arret of 1732, which gave the power spoken of to the Governor and Intendant; but the first arret of 1711.

I continue. "The Grantees are thereby also restricted from selling any Wood Lands (bois debout), upon pain of Nullity of the Contract of Concession, a reunion of the Lands to the Royal Domain, and Restitution of the purchase Money to the Subfeudatory."

[33] A loose and again inaccurate paraphrase; as it conveys the idea that only the grantees of the Crown, or Seigniors, were prohibited by the arret of 1732 from selling land en bois debout; the certain fact being, that all persons, "Seigniors and other proprietors," were alike prohibited from so doing. The writer proceeds--still on the same page:--

"By the roture Tenure, the Grantor, whether the King directly, or his Grantee en fief mediately, stipulated a specific Sum (one half-penny for every acre in front by forty acres in depth) payable to him by the roture Grantee annually on a fixed day, & at the Seigneur's Mansion House for what is termed cens, evidencing thereby that he was the Seigneur censier et foncier, or immediate Seigneur of the roture Grantee, marque de la directe seigneurie: a specification indispensibly necessary to intitle the Seigneur to be paid the lods et ventes upon every subsequent alienation of the Land granted, (cens porte lods et ventes), and another specific Sum (one half-penny for every superficial Acre contained in the Grant) for what is called rente. In the towns of Quebec and Three Rivers, the Reservation of the cens et rentes, for small lots, are variable and very low, but specifically ascertained."

Thus, in two parentheses thrown in by the way into this one sentence, without if, or but, or qualification or alternative of any kind, we have here Mr. Solicitor General Williams's confession of faith in the existence of a one fixed unvarying rule, first as to the cens, and next as to the rentes--for all the Seigniories in the land; the towns of Quebec and Three Rivers alone excepted. Every censive grant through the country, out of Quebec and Three Rivers, alike! And at a rate, not squaring with any one of all the score or so of variant rates

that I have had to cite, as in turn, candidates for the distinction of being the one true rate. Yet, with all the certainty there is, of the existence of all these variances of rate, this loose sentence of Mr. Solicitor General Williams's inditing--of date of 30 years after the close of the period he is speaking of, has been gravely elevated into a proof of something else that ... [of] the writer's incredible confidence and carelessness.

The page I quote from bears still further testimony to these constitutional tendencies of its author. The next sentence reads:--

"Upon every Mutation of roture lands, the new proprietor was bound to produce his titles to the Seigneur, and in forty days after exhibiting the same, the Seigneur, in case of a mutation by sale, and even upon Donations inter vivos, from a Collateral Branch or Stranger, was intitled to the Alienation Fine called droit de lods et ventes, (Art. 73,) which is the twelfth penny or twelfth part of the price or value of the Land."

A donation inter vivos from a collateral branch or stranger, giving rise to Lods et Ventes, to be calculated on the value of the land given! Authority had need be in demand, when a writer thus rash in his misuse of words, misquoting arrets, mis-stating usage, mis-reciting the very alphabet of the law, must be pressed into the service.

Of Mr. DeLanaudière's answers laid before the Council, and the resolutions of that body, it is enough here to say that I find in them no statements at all confirmatory of these peculiar views.

Mr. Mabane's Reasons of dissent contain a few words, which have been cited as evidence. Among [o]ther things, he says⁷ that the proposed change "would not only be a sacrifice of the King's rights, but would defeat the wise intentions and beneficent effects of the arrets of 1711 and 1732, and of the declaration of 1743, by which the Seignior is obliged to grant to such persons as may apply for them, for the purpose of improvement, lands in concession, subject only to the rents and dues accustomed and stipulated (aux rentes st [sic] droits accoutumés [sic] et stipulés) and upon his refusal the Governor is authorised on the part of the Crown and for its benefit, to the exclusion of the Seignior for ever, to concede the lands so applied for. By the same laws" he proceeds, "the Seigniors are forbidden, under pain of nullity and a reunion to the Crown of the land attempted to be sold to sell any part of their lands uncleared or en bois debout, dispositions of law highly favorable, to the improvement of the Colony," &c.

It must be admitted that Mr. Mabane was less unguarded in his use of words, than Mr. Williams. His statements are far enough from being correct; for, (as I have already observed) the Declaration of 1743 contains no reference to this matter of the censitaires' claim to concessions of wild land; and under the arret of 1711, it was not the Governor, but the Governor and Intendant conjointly, to whom in the case supposed the power to concede was given; and by the arret of 1732, not the Seignior alone, but everybody was forbidden to sell wild land. But at all events, he treats us to no parenthetical assertion of the uniform rate theory. On the contrary, from his use of the phrase "accustomed and stipulated," one would rather infer that the notorious fact of the variety of the rates stipulated, was present to his recollection as he wrote.

Nearly four years later in date, we come to another document of considerable importance in relation to this matter. A number of habitans of Longueuil appear to have petitioned the House, complaining of certain conduct on the part of their Seignior. The petition itself is not printed; so that I can only state its purport from the abstract given of it in the Attorney General's report upon it--the document I am about to remark upon. It is there said of it:--

"The petition brings forward questions for public discussion, upon which there are various opinions. The second clause states that Mr. Grant, in open defiance of the ancient ordinances of the Kings of France has arbitrarily in-

creased the rents of three lots of land which he has conceded to his tenants since he became their Seigneur; and the remaining clauses complain that he has increased the reditus paid by the petitioners for lands conceded by his predecessors."

This petition was referred by the Governor to the then Attorney General (Mr. Monk) for report; and his report on it, under date of the 27th of February 1794, to be found on page 93 of the English version of the third of the Volumes laid before this House,⁸ is another of the documents [34] which have been cited as confirmatory of the opinion I am combating. Is it really so?

In the first place, it states the tenor of the first Arret of Marly, in quite other terms than those of Mr. Williams's report of 1790. "The Royal Edict" says the Attorney General, "of the 6th of July 1711 enacted, that every Seigneur should concede, upon application, such quantities of ungranted lands as any inhabitant should ask, within the limits of his Seignior, à titre de redevance, et sans exiger d'eux aucune somme d'argent; and in case of the Seigneur's refusal, the same edict authorized the Governor and Intendant to grant the land required, aux mêmes droits imposés sur les autres terres concédées dans les dites Seigneuries." A paraphrase, copying verbatim the essential words of the Arret; and precisely accordant with the view I have been maintaining, in regard to it.

The report proceeds:--

"There does not however appear among the records of the province, any edict of the French King fixing the exact quantum of the reditus or cens et rentes seigneuriales; but prior to the conquest, a rule taken from the concessions made by the Crown, where the King was the immediate seignior, was much followed. By this rule, to render any one estimate applicable to the whole province, the cens is fixed at one sol argent tournois, or a half penny, for every acre in breadth by forty in depth, and one capon or ten pence sterling at the seignior's option, or half a bushel of wheat where the reditus was made in grain.

"There are two judgments, one of the Intendant Begon of the 18th April 1710, and the other of the Intendant Hocquart of the 20th July 1733, in some degree confirming this customary regulation; but it must however be remarked, that this rule was not absolutely general, and that the reditus in the district of Montreal has always been greater than that of the district of Quebec. It was perhaps impossible, from difference of soil, situation and climate; and upon the whole, I do not think that any general rent was by law established, and I conceive the edict of 6th July 1711 to be the only guide for determining the question."

Still, of course, other than confirmatory of the high authority of Mr. Williams. And evidently, I might add, taken from the statement on the same matter, of Cugnet's book, on which I have already commented. Even to the misprint of the date of the Begon judgment of 1713, the two agree. Cugnet's two citations cannot possibly have been verified. Had they been so, they could not have been reproduced.

But this matters comparatively little. The important point of the case, is the fact, that Mr. Monk, (as Cugnet had done before him) admits distinctly the non-existence of any authoritatively fixed rate, before 1760.

I continue to cite the words of the report:--

"This edict clearly shows an intention, in the Legislature of the day, to compel the Seigniors to grant their unconceded lands to the inhabitants, and in my apprehension to grant themt [*sic*] at the customary rent in their respective Seigniories, because that is declared to be the standard by which the Intendant, who conceded in case of the Seigneur's refusal, was directed to estimate the legal reditus which he was authorized to establish.

"I am therefore of opinion, that the present seigniors of Canada have in

no instance a right to exact from their tenants more than the accustomed reditus fixed by their predecessors before the conquest; and that the legal reditus in each Seignior is a matter of fact established by the evidence of ancient deeds of concession. And if it was then in the tenant's power to compel his lord to grant his land to him as he had granted it to others, through the intervention of the Court of the Intendant, these terms were and still are his legal right; the edict of the 6th July 1711 is still in force.

"As to the clauses of the petition complaining that the Seignior has arbitrarily increased the reditus paid for lands formerly granted to the petitioners, I am clearly of opinion, that in all cases of leases or concessions already made by the Seigniors to their tenants, the reditus fixed by the deeds of concession can never be increased under any pretence whatsoever. But it is a question whether the petitioners have at present a legal mode of redress against the innovations of which they complain.

"As the law stood before the conquest, the tenant, in cases similar to the present, would have found an immediate remedy upon application to the Court of the Intendant; and I am of opinion that the present Courts of the Province are adequate to the purpose of affording them effectual relief."

Not having the petition to refer to, one cannot be sure as to the precise intent of this opinion, on some points. Part, at least, of the complaint, seems to have been, that the Seignior was exacting from parties who held under concessions made by his predecessors, more than the terms of their grants warranted. As to that charge (the one last reported on in the extract I have read,) there can be no question of the correctness of the opinion given, that such exaction was illegal, and that the parties had their remedy. As to the other part of the complaint, it is not so clear what it was, or what redress the petitioners [*sic*] had asked, or even how far the Attorney General, meant to go in the expression of his opinion in the premises.

His words may be twisted into meaning--I believe they have been cited as though they did mean--that even from tenants who had agreed to pay a higher rate than was common before the conquest, such higher rate could not be recovered. But I cannot pay the writer so poor a compliment, as to believe him to have so meant them. His argument amounts to this. No one rate was ever fixed. The arrêt of Marly alone, which fixed none, must guide us. I infer from it an intention on the part of the legislator to enable parties to compel Seigniors to grant at the rates theretofore usual in their respective Seigniories. And I therefore think that a Seignior has no right to stand out for a higher rate, when parties call on him for grants.--But, suppose a party not to have stood out upon this supposed right, but to have made his bargain at such higher rate, does it follow that the bargain is to just so far set aside as to relieve him from such rate, and no further,--no one pretending that any law ever said it should be? One has no right to say that any lawyer can have meant to advance so monstrous a doctrine,--unless, indeed, his words were too clear (as here they are not) to [35] make it possible to put any other sense upon them.

Giving the expressions here used, then, the other meaning; understanding them to go no further than to advance the doctrine, that people could enforce concession at some customary rate, to be established according to circumstances for each case; a single remark will suffice. Not to repeat the considerations of fact, which I have already urged, as to the constant recognitions under the French Government, of all sorts of rates as prevailing everywhere, the comminatory character of this arrêt of Marly, the manifest expressions of the King's will, subsequently to its promulgation, that no uniformity of rate or contract was to be enforced under it, and so forth,--considerations of fact, decisive of the whole question, in the sense adverse to the conclusions I combat,--I observe, that it proceeds on a further mistaken impression, into which, after

correctly reciting the arrêt of Marly, it is most unaccountable that the writer should have fallen, as to the procedure which alone that arrêt indicated and allowed. "If it was in the tenant's power," says the report, "to compel his lord to grant his land to him as he had granted it to others, through the intervention of the Court of the Intendant, these terms were, and still are, his legal right." It never was. The arrêt was express. The sole recourse was to Governor and Intendant together. That recourse, if ever practically enforced or available, had, at all events, ceased to exist, from the day on which there has ceased to be a Governor and Intendant in the land, to give effect to it.

But to return from this digression.

I have remarked on every authority I have been able to find, that either has been, or (so far as my researches go) can be cited in support of this tradition, during these first 34 years of the history of Canada after its cession to Great Britain. And to what do they amount? An absurd, unjust, illegal sentence passed by four military men in 1762; a careless, passing phrase or two of Maseres, in 1769; some loose, inaccurate sentences, and references to arrêts by Cugnet, in 1775; some extravagant mistakes made in 1790; an Attorney General's opinion, not countenancing them, in 1794.

A few years later, in 1803 and 1806, we reach the time of the printing of the two well-known volumes of our Edits et Ordonnances. And from that time, there have been before the public, in print, in those volumes, most of the successive comminatory arrêts of the French King as to the escheating of Seigniories, on which I have had occasion to remark; and the arrêt of Marly, with the untrue recital on its face,⁹ that the taking of money for land by Seigniors, was "entirely contrary to the clauses of the titles of their concessions, whereby they are permitted only to concede lands subject to dues (à titre de redevance)"; but there has not been before the public, that context--so to speak--of the arrêts, title deeds, and other documents of the period, which I have had the advantage of being here able to bring to bear upon their interpretation. In the absence of the proof these furnish, it could not but be, that such recitals as these two volumes contain, should have tended most powerfully to confirm the impression, that the old state of the law and jurisprudence of the Province, as to all these matters, was anything but what it really was.

Still following down the history of the Province; considering the long feuds of its contending parties; the natural influences on the feelings, views and language of what was inevitably the popular party in the land,--of the passing of the Imperial Trade and Tenures' Acts, in 1822 and 1825; the fact, undoubted, that this whole matter had for long years before been, and has ever since been, and is, a leading matter of political faith and profession; that it could not but be a pleasant stlye [*sic*] of address to the many debtors of the few--to become a popular doctrine with the many--that their indebtedness to the few ought not to be, and of right was not, what the few held it,--that lands held by the few were not properly theirs, but were held under a sort of trust for them, the many; and that, with all these influences at work, the full half of the very facts of the case lay buried, so to speak; I cannot affect to wonder at the fact--which I admit--of the gradual settling down of the minds of most men, into the impression against which I have now to contend; an impression, however, be it noted well, not at all consonant with the tenor, during all this period, of the jurisprudence of the Courts of Law,--the course of policy of the Executive and Legislature,--the inferences fairly to be drawn as to the effect, in equity and law, of this period of our history, upon this question.

We come, then, to the further proposition I have laid down; that since the cession of this country to the British Crown, there has nothing occurred to

abate my clients' rights, or in any ... wise unfavorably affect their position, such as I have established it, as proprietors not holding under any kind of trust; that on the contrary, the jurisprudence of the Courts of Law, the action of the Executive and Legislative powers,--all that for these ninety-three years past has gone to make up the history of this matter,--has gone to strengthen this their position, would suffice to assure them in it now, were there even a doubt (as there is not) how far it attached to them before.

One thing must be tolerably apparent. By the cession, an instant end was put, for the time at any rate, to that whole system of interference and control which had previously pressed, somewhat (it may be) upon the Seignior, but most surely far more heavily upon the censitaire. Both had become, to use the brief phrase of the capitulation, "subject of the King." They could no longer be so controlled, either as to person or as to property. The inalienable right at common law, the major prerogative (so to speak) of the British subject, had settled that point, beyond question or appeal. The habitant of the côtes de Montréal could no longer be told by an Intendant how many horses, mares, or colts, he might be allowed to keep; nor the habitant of Longueuil be condemned unheard, to the rendering of corvées not stipulated by his deed; nor the habitant of whatever parish be forbidden to choose a town life, without written leave. Prevented, under the Ordonnance of 1745, from building house or stable on land of any less width or depth than suited the pleasure of the French King, he became free to build what and where he pleased. The arrêt of 1732, making the sale of wild land, whether by him or by the Seignior, illegal, on pain of nullity and escheat,--if indeed it ever was, for any practical purpose, law,--ceased so to be. The provision of the one arrêt of Marly, under which a Governor and Intendant might grant a Seignior's land, in the King's name, to the complaining applicant whom the Seignior should have refused,--if, again, ever mattre [sic] [36] of practically enforced law,--also ceased so to be; for (besides that it was repugnant to principle) there was no Court or body through whom it could be put in force. And the corresponding provision of the other arrêt of Marly, under which the habitant's land could be--and had been--escheated on mere certificate, and without his being heard or summoned, also lapsed; for (besides that it, too, was in derogation of common right) there had ceased to exist in the land, the machinery to give effect to it.

And the passing of the Quebec Act in 1774, made no change in this behalf. These powers of control, exorbitant of the common public law, could not be, were not, in whole or part revived.

Indeed, as regards this peculiar procedure for the granting by the Crown, of a Seignior's land, the case is most especially clear. For, though the Courts of Common Pleas, at first, and afterwards the Courts of King's Bench, were invested with the judicial powers formerly held by the Intendant, they never were invested,--no Court or body ever was invested,--with any power, judicial or otherwise, that before the cession had been held by the Governor and Intendant jointly.

I am aware that this omission has been spoken of, as a sort of oversight. But I apprehend that, duly considered, it will be apparent enough that it was no such thing. This power, on the Crown's behalf to grant what was not the Crown's to grant, was no judicial power. There was involved in its exercise the quasi-adjudication (at private suit) of an implied escheat to the Crown, and the executive act besides, of a grant by the Crown to such party, of the land so impliedly escheated. A king of France might vest such powers in his Governor and Intendant, the two officers who together represented all his own despotism, executive and judicial. But a king of England could not. Under English rule, escheat to the Crown is a matter for the Crown alone to prosecute, and is a direct--not an implied--process. Under English rule, a grant by the Crown, is a grant of what the Crown holds as its own; and made

by executive authority,--not through a court of law, by a proceeding to which the Crown is no party. The whole procedure is one alien to every principle of our public law. No court or judge, no governor and court or judge together, could have been set to give effect to it.

And yet, unless by means of this procedure, or else under the arrêt of 1732, which declared all sale of wild land (by whomsoever made) to be null,--an exactment, which I believe no one has the courage to call law,--there was no means ever by any law provided, to give effect to the French king's will, signified in 1711, that the seigniors of Canada--proprieters holding their land under no such condition--should not exact money for it while uncleared, but should grant it "à titre de redevance," by tenure of redevance, for the consideration of dues in futuro.

Nor is this negative evidence, all. I turn to the positive jurisprudence of our courts.

One thing is notorious. The standing complaint of all the complainers against what are called the exactions or usurpations of seigniors, has ever been of the seigniorial character of that jurisprudence. It has passed into a by-word with them, that all our courts have constantly been seigniorial; and many, no doubt, have been led into the mistake of fancying that the judges, as a general rule, must have been seigniors, or in some way interested on the seigniors' side.

Secure in this notoriety of the general course of the decisions of our courts, I shall content myself with a passing remark or two, as to a very few only, of the most leading cases.

Six are specially referred to, and the proceedings in them given more or less fully, in the appendix to the report of the commissioners of inquiry into the seigniorial tenure, printed in 1843.

The first in order of time, is that of Johnson vs. Hutchins; adjudged upon in 1818, by the Court of Queen's Bench for the District of Montreal, and afterwards in 1821 by the Court of Appeals. (See pp. 88 and following, of the English--110 and following, of the French version, of the third of the Volumes laid before this House.)

The Plaintiff in this case was the Seignior of Argenteuil. A previous Seignior had some time before granted a block of some thousands of acres of wild land in that Seignior, by a deed, on the face of which it was set forth that he received for such grant a large amount of ready money; and by which he stipulated the extremely small yearly quitrent of one half penny for every 40 acres, adding a release of the grantee from all future claim on his part, to lods et ventes, or the enforcement of any other seigniorial burthens. Some years after, the seignior was seized and sold under judicial process. And the new Seignior sued the holder of a part of the land thus granted; seeking to recover from him some years' arrears of cens et rentes, calculated not at the rate of half penny per 40 acres, but at that of 3 bushels of wheat and 5 shillings currency per 90 acres--the rate usually paid for the neighbouring lands; together with the fines for not having shown his deeds, and all lods et ventes or mutation fines accrued on the several sales of the property which had taken place. The Defendant, of course, set up the title, under which the original grantee from the Plaintiff's predecessor, held; and said; your predecessor agreed, when he so granted to my predecessor, that in consideration of the large sum of money paid, the quit-rent on this grant was to be the small quit-rent stipulated by the deed; and that lods et ventes were never to accrue upon it. I therefore, can be made to pay no higher yearly rent, and am liable for no lods et ventes. The Seignior in reply pleaded, that the act of the former Seignior was illegal; that he could not so alienate his land as to bar lods et ventes upon it, or even prevent its being charged with the usual and proper rate of cens et rentes. It was proved in the cause, that (irrespective

of the particular grant of this tract) the lands in the seigniority were by no means all granted at one rate; but that the rate above mentioned was that charged on most of them. The Court condemned the Defendant to pay his arrears of cens et rentes at the ruling rate thus established, and the fines for not having exhibited his title-deeds; implying thereby, of course, that they held him liable to pay lods et ventes.

The judgment was appealed from, and in 1821 reversed, in so far only as related to this rate of cens et rentes; the Court of Appeals holding the quit-rent stipulated to be, by operation of law, cens, recognitive of the tenure of the land en censive of the seigniority, and necessarily importing liability to lods et ventes on all sales of the land; but not admitting of alteration in amount, from that borne on the face of the deed creating it.

[37] The sale of this wild land by the former seignior (for, a sale, and at a cash price, it was) was thus no nullity; as the arrêt of 1732, if law, would have made it. The quit-rent stipulated was the only rate of cens, that could be recovered; and could not be altered, to bring it into conformity with any ruling or common rate. The whole restriction on the seignior's power to alienate, held to obtain, was this: that, alienating en censive--giving to his vendee the quality of censitaire, he could not (by private contract with such censitaire) prevent the ordinary legal [1]ncidents of the tenure en censive from attaching to the grant,--could not free the land from liability towards the domain of his seigniority, for lods et ventes.--Had the alienation, indeed, been held not to be a grant en censive,--it must in law have been taken for a sale of a part of the fief or seigniority; the acquirer, a co-vassal with the vendor; the sale, and all after sales, of the land, chargeable with the heavier mutation fine of the quint, or fifth part of the price, to the Crown as the Seignior Dominant, or superior lord.

The second of the cases in question, is that of Duchesnay vs. Hamilton, decided by the Court of Queen's Bench for the District of Quebec, in 1826, and to be found on pp. 84 and following, of the French--106 and following, of the English version, of the same volume.

It was an action instituted by an advocate not very likely to be absurdly wrong in his view of the law that governed it--a gentleman more, perhaps, than almost any other of his day, the admitted ornament and honor of the profession in Lower Canada--the late Mr. Chief Justice Vallières. The action was against certain parties holding land in the Seigniority of Fossambault; to require them to pass a deed acknowledging such land to be charged with cens et rentes at the rate of 4 pence currency, as well as with other seigniorial burdens, as the neighbouring lands were; and to pay three years' arrears of such cens et rentes. The Defendant pleaded, that when he acquired the land, no such rent was stipulated, or mentioned as charged on it, by the Plaintiff, or by the party of whom the land was bought; that he had ever been and was willing to take a deed of the land at the rate of 1 sol per arpent, being that at which a great part of the lands in the Seigniority had been granted; and that the rate demanded, of four pence currency, was a higher rate than by law could be demanded; a Seignior having by law no right to grant at a rate higher than that of the old rates in his Seigniority. But he was expressly condemned to take title as demanded; and to pay the three years' arrears in question, at the rate demanded; being double the rate fixed by the bill now before this Honorable House, as the maximum rate legally chargeable by a Seignior--the rate to which all higher rates ever stipulated are to be cut down. The Court of Queen's Bench so fixed this very rate, by a judgment never appealed from. Can it be, that it is proposed, by Act of Parliament, to cut it down, for all time to come, by one half!

The third case I have to notice, is that of McCallum vs. Grey, adjudicated upon by the Court of Queen's Bench for the District of Montreal, in 1828.

This action was brought by the owner of one of the Seigniories within the township of Sherrington, held by a peculiar tenure to be presently adverted to; and was a Petitory Action, to turn out the Defendant from the occupation of a lot of land in the Seignior. It was a hard action--not to say a very hard one. The fact was pleaded, and clearly shown in evidence, that the Plaintiff, having reason to apprehend that his lands might be taken possession of by parties claimant under adverse title, had in effect induced the Defendant to go upon the lot in question upon a clear understanding, that he should have the land on easy terms. This, of itself, was a decisive consideration in the case; for if one man get another to go and settle on his land with a promise to let him have the land on favorable terms, he cannot afterwards, by a common Petitory Action, turn him out of it. The judgment, accordingly, was for the Defendant; but in giving reasons for their judgment, the Court, after reciting this sufficient reason, went on with what may be called an obiter dictum--a further reason, not necessary to their conclusion, to the effect that moreover, "every subject of His Majesty is entitled to demand and obtain, from every or any Seignior holding waste and ungranted lands in his Seignior, a lot or concession of a portion of said waste and ungranted lands, to be by every such subject, his heirs and assigns, held and possessed as his and their own proper estate, for ever, upon the condition of cultivating and improving the ... same, and of paying and allowing to every such Seignior the reasonable, usual and ordinary rents, dues, profits and acknowledgments, which, by the feudal tenure in force in this Province, are paid, made and allowed to such Seigniors by their tenants or censitaires, for all such and similar lots of land;" by reason of all which, they dismissed the Plaintiff's Action.

Now, it is to be observed, that even admitting this considerant ever so unreservedly, it is far from affirming (on the contrary, it does not so much as countenance) the notion of a fixed or maximum rate for the whole country--much less, the notion that contracts entered into for higher rates, are not thereafter to be enforced, as made. But it was, besides, a considerant, not necessary as a reason for the judgment given; and it is an obvious and universally admitted rule, that reasoning not necessary to a judgment, is not to be held part of such judgment. Indeed, as regards this particular case, whatever may or may not be the law as to any other Seignior, it is at least certain that the Seignior in this judgment referred to, was held by such a tenure as to be out of the purview of this supposed rule of law.

This case is referred to, in the report of the Seigniorial Tenure Commissioners, as the "single instance," so far as they were aware, in which a Seignior had been unsuccessful in contest against a censitaire, upon any point connected with this matter of the rights of Seignior and censitaire under the arrets of Marly. I am myself aware of no other of like tenor. Though I am of course aware, that the doctrine incidentally laid down in it, and on which I have remarked, has often been spoken of, as though it had the support of a settled jurisprudence to the same effect.

The next case to be noted is that of Guichaud vs. Jones, also decided by the Court of King's Bench for the District of Montreal, in 1828, and to be found fully reported on p. 93 and following, of the French,--and 116 and following, of the English version of the same volume. The action was one of a large number of the same date and tenor, all involving the same considerations, decided alike, and submitted to without appeal by the defendants. The Seignior involved was that of St. Armand, one of those granted in the [38] later days of the French régime. About the year 1796, the then Seignior of that fief granted nearly if not quite the whole of its extent, in lots, to a number of grantees, by deeds very much of the character of the deed I remarked upon some moments ago in speaking of the case of Johnson vs. Hutchins. They were called deeds of sale and concession; and set forth the engagement of the vendee

to pay the price agreed upon with interest, by a day fixed, as also a small quit-rent for ever. And it was added, that the Seignior released the lands from lods et ventes, and every other claim, seigniorial or otherwise, forever, such quit-rent alone excepted. The action in question was against the holder of one of these lots, for this unpaid purchase money, with a long arrear of interest, and the arrears of this quit-rent. The question of the exigibility of lods et ventes was not raised; the Plaintiffs setting out the terms of their predecessor's grant in that behalf, and not pretending by their Declaration that any lods et ventes had accrued, or indeed that the land had ever been sold since the date of its original grant to the defendant's predecessor.

The case was keenly contested by Counsel of the very highest standing and ability at the Bar; Mr. Ogden and the late Mr. Buchanan, for the Plaintiffs; the late Mr. Walker for the Defendant. The latter by his pleadings most distinctly and precisely raised the whole question of the validity¹⁰ of the arrets of 1711 and 1732; averring that the late Seignior, the grantor of the land, was bound by law to have granted à titre de redevence only, and, without exacting or receiving any further price; and that being wild land, he could not by law sell it, under pain of nullity of the contract, and escheat of the land. And the evidence consisted entirely of the admissions of the Plaintiffs, fyled (so as precisely to meet the whole question of law raised) in these [*sic*] words:--

"Firstly.--That the seignior of Saint-Armand, in the declaration of the plaintiffs in this cause mentioned, was granted and conceded under seigniorial tenure, à titre de fief et seigneurie, by the most Christian King, whilst the Province of Lower Canada was subject to his authority, and previously to the conquest of the said Province by Great Britain.

"Secondly.--That by virtue of the said original grant or concession, the said fief and seignior of Saint-Armand, from the conquest of the said Province, and until after the day of the date of the deed specially mentioned and declared on, in the declaration of the said plaintiffs in this cause fyled, was, and continues to be, held by seigniorial tenure, à titre de fief et seigneurie, of our Lord the King, according to the laws, usages and customs in force in the said Province before and at the time of the conquest thereof as aforesaid.

"Thirdly.--That on the day of the date of the said deed in the declaration of the said plaintiffs recited and set forth, the late honorable Thomas Dunn therein, and also in the said declaration named, was seignior, proprietor, and in possession of the said fief and seignior of Saint-Armand.

"Fourthly.--That the tract of land mentioned and described as well in the said deed as in the declaration of the said plaintiffs in this cause fyled, was at the time of the execution thereof waste, uncultivated and unconceded land, terres en bois debout et non concédées, of the said fief and seignior of St. Armand."

That is to say, the admission of the Plaintiffs was, that every averment of fact urged by the Defendant was truly urged--that the land when sold by the former Seignior was wild land, never before granted, within his Seignior,--such Seignior then being held according to the old law of the land, as subsisting under the French régime. And their position was, that the sale was nevertheless not null in law, nor the land forfeited; but that the purchase money with interest, and the arrears of the quit-rent, were due and exigible.--The Court maintained that pretension; thus affirming in express terms, that contracts by a Seignior for the sale of wild land in his Seignior were valid, and must be enforced,--the arrets in question, notwithstanding.

Two other cases remain; to be found in the same volume; the one that of Rolland vs. Molleur--(see pp. 101 and following, of the French, 115 and following of the English version,) conducted for the Plaintiff by two learned gentlemen, both of whom are now Judges of the Superior Court, and defended by Counsel then & still holding the highest position at the Bar; the other, that

of Hamilton vs. Lamoureux, (see pp. 119 and following of the French, and 143 and following of the English version,) conducted for the Plaintiff, by one of the gentlemen just referred to, now a Judge of the Superior Court, and defended by another gentleman, also now a Judge, of high rank and standing on the same Bench, and by another gentleman still at the Bar, and enjoying there the highest reputation for ability. Both actions were ably and keenly fought; to recover rents very considerably higher than the rate which is assumed by the Bill now before this Honorable House, as the highest that admits of legal sanction or excuse. The pleadings in both causes were put into every form, in which the skill of the ablest Counsel could state them; with the view, in one shape or other, to make out the illegality of these rates and obtain for the Defendants a reduction of them, as excessive. In the former of the two cases, it is true, it was in answer set out and shown that the land had been granted and re-acquired by the Seigneur, before its concession at the rate impeached. But in the latter case, (which, by the way, was one of a large number of like cases brought about the same time by the same Plaintiffs, defended on like ground, and decided in the same terms,) there was no such answer; and the question of law came fairly before the Court, as raised by the Pleas. It was clearly proved, however, as in all such cases it can be, that all manner of rates have at all times prevailed, not only as between different Seigniories, but even as between different grants in the same Seignior. And, notwithstanding all that could be said and cited for the Defendants (and nothing that could be done in their behalf by professional skill and zeal was left undone) it was held by the Court that the high rates sued for were perfectly legal rates; and they were enforced accordingly.

One more case I must notice in this connexion, as of later date,--decided only last year by the Superior Court sitting in the District of Quebec; the case of Langlois vs. Martel, to be found on [39] the 30th and following pages of the 2nd volume of Lower Canada Reports.

The concession (in the Seignior of Bourg Louis) had here been made at the rate per arpent of one sol or half-penny of Seignioral [sic] cens et rente properly so called, and of course irredeemable, and of seven sols or three pence half-penny more of rente constituée, or redeemable rent not bearing a Seigniorial character,--in all four pence per arpent--double the maximum proposed to be declaratorily enacted by this Bill. Some years of arrears due under this grant were sued for. The Defendant again raised, by a variety of pleadings, the question of the legality of a grant on such terms. The highest talent of the Quebec Bar was engaged on either side; and the cause, equally with those before remarked upon, was unquestionably contested as keenly and ably as cause possibly could be. Yet,--and notwithstanding the fact that the stipulation in this instance of part of the rate agreed on, in the form of a rente constituée, made the case one rather more advantageous for the defence than that of Hamilton vs. Lamoureux, where the whole rate was Seigniorial--the Court again affirmed the antecedent jurisprudence; maintained the contract, as valid, held the censitaire, as of right, to the bargain he had made.

And these cases that I have been citing, in which the validity [sic] of sales and grants (at whatever rate) of wild land by Seigniors, have been thus maintained, after the fullest argument, are no isolated cases, against which counter decisions can be cited, or that fail of support from the constant practice of every Court. All manner of varieties of rates of concession, all manner of varieties of concession deeds, as to quantity of land, rate, mode of payment, charges,--everything that can form part of such deeds--have been put in suit, times without number. Never Court or Judge, administering the law under sanction of the judicial oath, set aside or altered one such deed, in respect of any quantity, or rate, or mode of payment, or charge, by the parties thereto covenanted.

I know it has been said, that these decisions have not been carried to final appeal, and therefore are not to be regarded as constituting a settled jurisprudence, decisive of the tenor of the law. But whose fault has it been, that they were not appealed? Not, certainly, the Seigniors'; for they were the successful parties who could not appeal. The reason is soon given. The Court at Montreal was of the same opinion as the Court at Quebec; the judgments were all of the same character; the Judges all of the same mind. Appeal, so far as the Courts here were in question, was plainly useless; and with every Judge here pronouncing in this matter of local law, favorably to the Seigniors' rights, it was felt to be idle to hope for a reversal of their decision by the Privy Council. Able, zealous, determined men, fought the battle, and fought it well; but having lost it, they knew that it was lost. The time has long gone by, when the censitaires as a class were too poor to appeal. They are as well the richer--by very far the richer-- as the larger and more powerful class. They have failed to carry out their contest in appeal, because their Counsel told them--because they knew and felt--that appeal was hopeless; that the Judges of last resort, sitting in Her Majesty's Privy Council, would interpret and administer the law, as the Courts here had done.

I know, too, that what is called judge-made law has often been held up to popular suspicion; and those whose habit has been to reflect on our Courts of Law as unduly Seigniorial in their jurisprudence, have not failed to derive a certain degree of advantage from the feeling so raised. But there is really here no question of judge-made law, at all. No text of law, nor principle of jurisprudence, adverse to this rule of decision, can be cited. Unvaryingly adhered to, and well known so to be, no text of law ever was enacted to reverse it. If such a rule be not truly law, who shall say what is?

In truth, it is precisely in these decisions of the Courts of Law, that the tenor of the law is for practical purposes to be read. Men do not study the statute book; they do not ask Counsel--Counsel, even, do not content themselves with asking--what is in the statute book? They ask what is the law? That is to say, what is it practically? How do the Courts hold it? What will they enforce? What will they set aside? If for ninety years and more, Courts have gone on enforcing all contracts of a particular [sic] kind,--if in a number of important cases, ably argued and solemnly adjudged, they have adhered to one and the same style of decision,--by what right dare Counsel tell his client that such decision is not law? It argues a most dangerous state of the public mind, when men lightly run down what the Courts of Law have for ages held as law. The land whose Judges are distrusted, where men fear or hope that any day may witness a reversal of the judgments of a century, is a land where all property and all contracts must be unsafe; where man cannot trust man.

But, besides all that the change of public law consequent on the cession of this country to the Crown of Great Britain, has done, and all that this jurisprudence since has done, to confirm and strengthen my client's position, there is yet more.

Grants of Seigniories have been made since the cession, by the British Crown; affected, equally with those of earlier date, by his [sic] Bill.

Two of these grants are of Murray Bay & Mount Murray: of the same date (1762) and on the same terms. The former is to be found on page 94 of the English version of the Third Report of the Special Committee named by the then House of Assembly, on the Seigniorial Tenure, in 1851. It is by Governor Murray; and after acknowledging the "faithful services" of the grantee, an officer of His Majesty's Army, runs thus:--

"I do hereby give, grant and concede unto the said Capt. John Nairne, his heirs, executors and administrators for ever, all that extent of land lying on the north side of the River St. Lawrence from Cap aux Oyes, limit of the

Parish of Eboulemens, to the South side of the river of Malbaie and for three leagues back, to be known hereafter, at the special request of said Captain John Nairne, by the name of Murray's Bay; firmly to hold the same to himself, his heirs, executors and administrators for ever, or until His Majesty's pleasure is further known, for and in consideration of the possessor's paying liege homage to His Majesty, his [40] heirs and successors, at His Castle of St. Lewis in Quebec, on each mutation of Property, and by way of acknowledgment a piece of gold of the value of ten shillings, with one year's rent of the domain reserved, as customary in this country, together with the Woods and Rivers, or other appartenances within the said extent; right of fishing and fowling on the same therein included, without hindrance or molestation; all kinds of traffic with the Indians of the back country, hereby specially excepted."

Do or do not these terms convey the idea of an absolute property, to be vested in the grantee?--Was it, or was it not, present to the mind of the grantor, (writing and thinking the King's English,) that the party to whom this grant was thus made, with no reservation except that of trade with the Indians, was thereby constituted a proprietor in fee simple, holding for himself and no other? Was it understood by grantor or grantee, or any one, that nothing was conveyed, but some sort of trust to subgrant on some terms or other--neither trust nor terms of any sort being hinted at?

The Mount Murray grant, I have said, was of the same date, and tenor, though not printed. I have, however, an authentic copy of the Letters Patent of 1815, under the Great Seal of the Province, by which it was confirmed,--still in the same terms. And I understand, though I have not seen the Letters Patent, that the grant of Murray Bay also was confirmed at the same time and by an Instrument of the like tenor.

The right of the Crown to grant thus absolutely in 1762, and to ratify such grants in 1815, I presume will be admitted to be clear; equally with this language of the grants themselves; unless, indeed, law and language be held alike inscrutable.

These two grants were made in virtue of the undoubted Prerogative of the British Crown. I come now to some others of later date, made in most peculiar terms, under peculiar circumstances, and in literal execution of a Provincial Statute.

The Seigniory of LaSalle, in what is now the County of Huntingdon, was many years ago held by a gentleman who seems to have either not known or not cared where the rear line of his Seigniory ran; as he granted à cens to numbers of habitans a large extent of the wild lands of the Crown lying beyond it. Some time after, in 1809, these Crown lands were erected into the Township of Sherrington, and granted to certain applicants, by Letters Patent, in Free and Common Soccage. And in process of time, as was to be expected, a frightful number of suits came to be instituted by these grantees of the Crown, to eject from their holdings the grantees of the Seignior of Lasalle. Parliamentary inquiry, resulting in a compromise was the result. To give effect to that compromise, the Act 3rd Geo. IV, chapter 14, was passed in 1823; providing, that the grantees of the Crown might relinquish their grants to the Crown, and take them back en franc aleu noble, on most peculiar terms. They were to maintain in their respective possessions, all parties bona fide holding under title from the Seignior of LaSalles [sic], on the terms of the various grants of that Seignior, themselves receiving all dues, accrued and to accrue, upon such grants; they were to be indemnified by government for the loss to result to themselves from this obligation; and, with regard to all that part of their lands not occupied by tenants of LaSalle, they were to hold the same with the fullest right to do anything and everything they pleased with it. The words of the 3rd Section of the Act are:--

"And be it further enacted by the authority aforesaid, that when the said Letters Patent" (meaning the Letters Patent originally granting in Free and Common Socage) "shall have been in part revoked in manner aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government, by other Letters Patent under the Great Seal of this Province, to regrant to the said grantees or their legal representatives, in Fief and Seigniory, en franc aleu, with all Seigniorial rights, privileges and prerogatives, as well the said lands occupied as foresaid by the said persons claiming as tenants of LaSalle, or of the said adjoining Seigniories, save and except the Clergy Reserves comprised therein, as any other lands within the said Township, in respect of which the said Letters Patent shall have been revoked and annulled in the manner hereinbefore mentioned; with power to the said grantees or to their legal representatives respectively, without limitation or restriction, to alienate [sic] or dispose of such lands or any part thereof, either freely or absolutely, or for such rents, reservations and acknowledgments, and on such terms and conditions, or in such other manner as they shall think proper; together with the right of exacting, recovering, and receiving all such cens et rentes, lods et ventes, redevances and other seigniorial dues and rights whatever, which shall or may have accrued or become payable since the said 22nd day of February, 1809, by the said persons claiming as Tenants of LaSalle under and by virtue of the deeds of grants, titres de concession, or by virtue of any other right or title, by or under which they have held or now hold such lands."

Under this Act, and by Letters Patent reciting its very words, which explicitly set forth the grantee's right to do what he will with so much of the land granted; to part with it en franc aleu, or en fief, or en roture, at any price, and on any terms--the whole grant to be free of Quint or Seigniorial buthen [sic] towards the Crown,--four Seigniories were granted, those of Thwaite, St. James, St. George, and St. Normand. Even since the Union, an augmentation has been [sic] granted on the same terms, to one of these Seigniories, (if not, as I believe, to all,) consisting of the Clergy Reserve Lots in and near it; Government thereby again granting land Seigniorially, with this power expressly recognized on the grantee's part, not merely to hold the land absolutely as his own property, but even to determine without reserve or limitation, the tenure under which it should be held, if he should see fit to alienate it. The Bill before this Honorable House treats even the holders of these Seigniories, as something short of proprietors. With as good reason, perhaps, as others.

And it has not been with reference to these Sherrington seigniories only, that legislation has recognized Seigniors in Canada as proprietors holding for themselves, and under no trust limitation.

[41] The Trade and Tenures Acts, the work of Imperial legislation, not popular (I admit) in Lower Canada,¹¹ but yet law, and law which Provincial legislation cannot constitutionally touch,--have declared every Seignior to be entitled, upon mere payment to the Crown, of the value of its pecuniary rights over his Seigniory, to obtain commutation, as between the Crown and himself, of the tenure of his Seigniory. This done, he becomes at once, under those acts, owner of his ungranted lands, free from the burthens of their former tenure. But this legislation of necessity implies that those burthens were to the Crown alone--the burthens from which the Seignior so buys relief; that they did not comprehend any burthen, in the nature of an unexpressed trust,--from which he has not to free himself, of the existence of which the law breathes no hint.

And I have further, and Provincial legislation to cite; still in the same sense.

I turn to an Ordinance, of an exceptional Legislature, I admit, but yet of a Legislature of Lower Canada; an Ordinance, too, which this Bill proposes to respect and maintain unaltered; the Ordinance of the 3rd and 4th Vict. chapter 30, for the incorporation of the Seminary of Montreal, and the voluntary

gradual commutation of the tenure in its seigniories.

By that Ordinance, that Legislature recognized and treated the seigniories of the Seminary as their absolute property, held by and for themselves,--that is to say, for the mere spiritual and charitable ends of their corporate life,--and not as having been granted to them under any trust for sub-concession to other parties, in any particular way, or on any particular terms. I admit, of course, that terms of commutation were imposed on them, which under ordinary circumstances would have been objectionable; as not securing to them the true value of the rights to be commuted. But this was done in an enactment which for the first time admitted the corporate character of their body; a character till then disputed, and held open to grave doubt; and the gentlemen of the Seminary, to assure to themselves that character, were willing and consented to submit to those terms, as a fair compromise. This consideration alone can justify the terms of the commutation, which by this Ordinance were imposed upon them. But, aside from this, in what light does this Ordinance regard the Seminary? As proprietors in their own right, or as trustees for the sub-granting of land to censitaires? I quote the words of the 2nd section:--

"The right and title of the said Ecclesiastics of the Seminary of St. Sulpice of Montreal, in and to all and singular the said fiefs and Seigniories of the Island of Montreal,--of the Lake of Two Mountains,--and of St. Sulpice,--and their several dependencies,--and in and to all Seigniorial and feudal rights, privileges, dues and duties arising out of and from the same,--and in and to all and every the domains, lands, reservations, buildings, tenements and hereditaments, within the said several fiefs and Seigniories now held and possessed by them as proprietors thereof,--and also in and to all monies, debts, hypothèques [sic] and other real securities, arrears of lods et rentes [sic], cens et rentes, and other Seigniorial dues and duties, payable or performable by reason of lands holden by ceisitaires [sic], tenants and others, in the said several fiefs and Seigniories, * * * shall be and are hereby confirmed and declared good, valid and effectual in law; and the corporation hereby constituted shall and may have, hold and possess the same as proprietor thereof, as fully, in the same manner and to the same extent" as the Seminary of St. Sulpice in Paris, or that at Montreal, or either or both of them did or might have done before 1759,--"and to and for the purposes, objects and intents following, that is to say:--the cure of souls within the Parish of Montreal,--the mission of the Lake of the Two Mountains for the instruction and spiritual care of the Algonquin and Iroquois Indians,--the support of the Pétit [sic] Séminaire or Collège [sic] at Montreal--the support of schools for children within the Parish of Montreal,--the support of the poor, invalids and orphans--the sufficient support and maintenance of the members of the Corporation, its officers and servants,--and the support of such other religious, charitable and educational institutions as may, from time to time, be approved and sanctioned by the Governor, &c.,--and to and for no other objects, purposes and intents whatever."

The next section of the Ordinance, in the same spirit, goes on to provide, "that all and singular the said fiefs and Seigniories * * * and all and every the said domains, lands, buildings, messuages, tenements and hereditaments, seigniorial dues and duties, monies, debts, hypothèques, real securities, arrears of lods et ventes, cens et rentes, and other seigniorial dues, goods, chattles and moveable property whatsoever, shall be, and the same are hereby vested in the said Corporation * * * as the true and lawful owners and proprietors of the same, and of every part and parcel thereof, to the only use, benefit and behoof of the said Seminary or Corporation and their successors for ever, for the purposes aforesaid," &c.

There is here--there is in this Ordinance--no trace of the notion, that these seigniories were held under trust for settlement, or subject to limitation as to the terms on which land within them could legally be sub-granted,--

or as to the reserves, of land, or otherwise, that could legally be made. The corporate capacity of the Seminary admitted, all followed. The seigniories, and whatever formed part of, or belonged to them,--domains, reserves, wild land,--all, were absolutely its own; its past contracts touching them, all binding; its power to contract freely as to them thereafter, beyond question.

Admitted, that as the Trade and Tenures Acts were not of Provincial framing, so also this enactment was not of the work of an ordinarily constituted Provincial Legislature. But its work was law; was never by any legislative or other public Body in the Land, complained of, as wrong in this behalf; is treated by this very Bill as right, and by all means to be respected. It ought to be respected; but while respecting the rights it recognizest [sic], the Legislature cannot ignore the fact that there are other rights besides, which must be respected equally.

Nor can this further fact be ignored; that legislation of the Parliament of this Province of Canada has confirmed the principle upon which the legislation of the Imperial Parliament and Special [42] Council has thus proceeded. I speak of the Acts of the 8th Vict. cap. 42, passed in 1845, and 12th Vict. cap. 49, passed in 1849, for the facilitating of voluntary commutation of the tenure in Seigniories not held by the Crown; and by the Act of the 10th and 11th Vict. cap. 111, passed in 1847, with the same object, for the Seigniories of the Crown. By these Acts, Seignior and Censitaire are empowered to commute the tenure as they please; to agree as to the price, and then freely carry out their bargain. None of these Acts hint at any legal limitation of their right, in time past, to contract as they saw fit--whether as to rate of cens et rentes, clauses of reserve, or otherwise. They are to take their contracts as they stand,--as the Courts interpret and enforce them,--and are to treat and deal freely with each other, for the redemption of their rights so established, or for the conversion of the contracts themselves into contracts of a character better suited to the age. The parties are men; who have out grown the tutor-authority--so to speak--of French Governors and Intendants; who may part with or acquire land, wild or cleared, by any kind of contract known to the law, and on any terms they please; who may even change the legal incidents of its tenure (matter though these are, in great part at least, of public law) when and on what terms they please.

And it is not to be forgotten, that this legislation [sic] by two successive Parliaments of Canada, was legislation subsequent to, and (in effect) the complement of, the Tenures commutation enactments of the Imperial Parliament; legislation in their spirit; confirmatory of their view as to the relative position and rights of all the parties interested,--Crown, Seigniors and censitaires; legislation, which throughout took for granted all that absolute proprietary right, on the part of my clients, for which I here contend; which no where implied, ever so slightly, that trustee limitation of their rights, which nevertheless must be proved in order to the defence of this bill.

In one word, from the cession in 1760 to this day, by the common public law of the British Empire, the jurisprudence of the Courts, the acts of the Crown, and the legislation of Parliament, Imperial and Provincial, the whole system of interference and control, of the French régime, alike as to Seignior and censitaire; has been set aside and reversed. The antagonist principle has been [sic] unreservedly adopted and carried out. Men have been free to make and modify their contracts as they chose; to sell, buy, grant, take--deal in all things with their own--as they might see fit. Such is the spirit of all English law and legislation, whether as to lands held in free and common socage or en franc aleu, or under the obligations of the Fief or Censive tenures. There can be no exception to the rules, that make property and contract sacred, and men free to hold the one, to frame and give effect to the other.

Now, under all these circumstances of this present case; doing one's best

to put out of view that state of the old law of France on which I have insisted as the true view to be taken of it,--the tenor and character of the old grants under which my clients (those of them who hold under French grants) own their property,--the true intent and meaning of all that the King of France ever did, legislatively or otherwise, in respect of those grants and of their rights under them,--and the jurisprudence of his Courts, as fixing all that down to the cession of the country was on these matters law; I say, putting all these things, to the utmost of one's power, out of sight; doing our utmost to believe that there once was a time, when the country--being governed by the French King--Seigniors were not proprietors in their own right, but trustees, bound to grant their lands on some terms or other, as to rate, reserves, or what not; need I ask, whether the state of things so supposed to have then prevailed, is the state of things that prevails now, or towards which in this latter half of the nineteenth century we here are to go back? Is it that, in which this Legislature can declare this country to be, or towards which it can try to carry it back a single step? Have these ninety three years' prescription done nothing? Ninety three years, during which all kinds of property have passed from hand to hand, under all kinds of contracts, and been affected in all kinds of ways known to the law, under security of the great under-lying maxim of all English law, written or unwritten, that none shall be disseized of his freehold, or abated of any [of] his claims of property or right, otherwise than in due course of law. Under the English Crown, and by English law, it was never possible to pretend to put into force either the arret of 1711, or that of 1732, of both of which it has lately been the fashion to talk so much and so inaccurately. Attempted in the case of Guichaud vs. Jones, the attempt failed; and at all events no one, I feel well assured, will venture to contend that a sale of wild land is null, or that wild land sold is escheated de pleiu [sic] droit to Her Majesty. Yet if it is not,--if the arret of 1732 is effete, how has that of 1711 escaped the like fate? For ninety three years, there has been no machinery to effect either of the two escheats which it threatened; the absolute escheat of the unsettled Seignior; or the quasi-escheat and after grant of the land, part of a Seignior, which a Seignior might have refused to grant. During all this period, the jurisprudence of all our Courts has maintained all contracts, whether of sale or grant, and at whatever rates. During all this period, the action of the Crown and Legislature has harmonized with that of the Courts; has in no wise contravened their decisions; on the contrary, has lent all countenance to them; has constantly affirmed their principle, the principle of all British law and rule,--that in a British country men are men, not children,--their property their own, not their rulers'--their contracts, what they choose to make them, not what their rulers may choose to wish to have them made. Can it be, that now,--with all men's position, properties and rights, determined by these ninety three years' uniformity of precedent and rule,--it is seriously proposed to go back towards a fancied former state of things; to take up, not the system which prevailed in 1711, in its entirety, but merely a small fraction of it, or rather what is wrongly said to have been such fraction of it,--for (as I have shown) this controlling of the Seignior was in those days more of a pretence than of a reality; to take up just so much of it as shall press hardly, unjustly, on a small class of the community, whose misfortune it is that they have few votes and little influence; and in so doing, to ignore all that far larger and more real remainder of the system [43] which in its day pressed on the larger class, and the revival of which against that larger class, insanity itself would hardly dream of?

It were to destroy the whole fabric of the relations between man and man. All the relations in life of the proprietor, Seignior or Censitaire, are predicated on the value of his rights of property, as the jurisprudence of the Courts, authoriatively [sic] establishing the law of the land, has determined

and guaranteed them. I gave so much for my Seignior, borrowed so much on the security of it, bound myself in all manner of ways to all manner of obligations by reason of its being mine; because I knew that the revenue arising from the cens and rents [sic] and dues stipulated to accrue on the granted part of it, amounted to so much; because I knew that the average of its lods and ventes came to so much more; because I knew that it contained such and such an extent of ungranted land, of certain value, and from which I could derive so much, by lumbering on it, cultivating it, or otherwise; because I knew that its mills yielded so much revenue, and had (attached to them) such and such rights; because I knew that this and that water power within it, which other wi [sic] might have competed with those I myself should use, were not the property of the censitaire holder of the land adjacent, and could not be used in competition with mine. Another bought land in my seignior, precisely so much below what otherwise would have been its worth; because it was burthened with a certain known rate of cens and rentes; because, whenever sold, lods et ventes were to be paid upon the sale; because such and such reserves in favor of the Seignior were charged upon it; because the valuable water power in front of it formed no part of it. Is all this state of things to be reversed? Are our respective rights and obligations to be legislatively annulled? Is the property that I bought because it was valuable, to have its value taken from it? Are rights that another did not buy,--rights doubling, trebling the value of the property, for which he paid a low price just because he did not buy them--to be given to him, at my expense? And is this to be done, moreover [sic], notwithstanding that on the faith of the declared law of the land, the Crown in due course took its fifth part of the high price that I so paid, as being its legal right upon that my honest purchase,--or perhaps even sold to me my Seignior, at such high price, as being the honest value of the rights legally attaching to it?

I refer to no imaginary cases. The Crown does take its Quint on the sale of every Seignior; it has--and lately--sold Seigniorial property at the value predicated on this received state of the law, which is now threatened with legislative reversal.

One of the clients for whom I here speak, came to this country but a few years since, to settle and invest his means here. Before buying the Seignior which at this moment (unfortunately perhaps for him) is his property, he took advice--the best professional advice to be obtained--as to the nature of Seigniorial property. The Seignior he thought of buying, was in part granted at rates ranging beyond the maximum now talked of, and in great part was wild, ungranted land. He was advised, of course, of the tenor of the jurisprudence of our Courts; bought at the price thereon predicated; paid the Crown the fifth part of that price; the Crown took such payment; and this Bill now threatens--I dare not say what reduction of the value of his property, thus bought in reliance on the law, thus in part paid for to the Crown.

Another of my clients owns a Seignior on which there was not (I believe) a settler at the time of the cession of this country to the Crown; a Seignior, every censitaire of which holds under grants of later date than the days of the French government, and, (as matter of course, I might say) at rates exceeding--most of them far exceeding--this two pence currency per arpent, which by some wonderful arithmetic has been cyphered out to represent that unknown quantity, the undiscoverable fixed rate of the olden time. He was the purchaser of his Seignior at [a] Sheriff's sale; and the Plaintiff prosecuting the sale was no other than the Crown. He paid the Crown, not the mere Quint, but the entire purchase money; and that purchase money was the price--the market price--of these high rents, which this Bill would make illegal. The Crown took that price, for those rents; which, as vendor, it most surely then held out as legal rents. This Bill threatens that buyer, with something little short of the

destruction of the value of the property which the Crown so sold him, for which he so paid the Crown.

What each of these gentlemen bought and paid for, they are not to be allowed to have. No Court of Law, by possibility, could be brought to abridge either of them, of one iota of the rights sought to be taken from them. But it is proposed to cut down those rights by Act of Parliament; leaving them--wronged, impoverished losers by such abridgment of their legal rights--to pray thereafter, at their proper cost, risk, and peril, for an uncertain, insufficient, illusory shadow of a so-called indemnity [sic]. Is this justice? Is this law? The measure of right to be meted forth by the British Crown, to British subjects? Can such a measure be laid before the Crown for sanction? Can the Crown give it the name and force of law? The Crown cannot--will not.

I have characterized this measure, as one that cannot possibly be defended for an instant, unless upon the ground--which I have proved to be untenable--that my clients are not in very truth proprietors, but public trustees--so in default that no mercy should be shown them; as a measure that unsettles their contracts, abates their legal rights, despoils them in great part of their property, inflicts upon them loss of every kind, and offers them no indemnity, but such as is a very mockery of the term. And to prove this, I proceed now to take up--and, as rapidly as I can, to comment upon--the leading clauses of this Bill.

It is entitled "An Act to define Seigniorial Rights in Lower Canada, and to facilitate the redemption thereof"; and it begins by declaring that it is desirable, "to facilitate the commutation of lands held en roture in the several Seigniories of Lower Canada, by more ample and effectual legislative provisions than are now in force," and further, "to define the Seigniorial rights to which such lands will in future be subject, and to restore, in so far as circumstances will allow, all such legal remedies as the censitaire formerly possessed against all encroachment or exaction on the part of the Seignior, as well as those of which the Seignior could avail himself for the maintenance of his rights."

[44] Now, as to any facilitating of the redemption of Seigniorial rights, I have not a word to say against it; I repeat, emphatically and sincerely, that I am here to say no word against any redemption of the rights of Seigniors. My clients are anxious to have their property relieved from the odium of an unpopular tenure; and would rejoice, as citizens and as proprietors, to see it change its form. At the same time, it is not their business,--and speaking as I here do for them, it is not mine--to suggest the mode in which this is to be done. The proprietor has no right to urge any particular mode of procedure as that by which (for great ends of public policy) the form & character of his property is to be changed. His right is merely, to insist that the change be not made to his loss; that for what the public take from him, the public see that he be indemnified. Others here propose a change of the tenure, as a change which the public interest demands. My clients, provided only that they be indemnified,--that their rights, before being abrogated, are redeemed,--have no objection to offer. Against any change of the tenure, on this principle to be effected, (no matter what the machinery,) they do not desire me to say--and if they did, I would not say--a single word. But when it is proposed, as here it is, to define Seigniorial rights, and when, besides defining, it is further proposed to alter, by restoring--with modification always--one knows not how much of certain alleged provisions of old laws admitted not now to be law, I have my objections. Define my clients' rights? They are not doubtful. The tenor of their titles is not doubtful; the tenor of their contracts with their censitaires is not doubtful; the law, as applicable to the interpretation and enforcement of their contracts, is not doubtful. There is nothing doubtful about the matter. The very mistaken impression that has assumed the form of a popular doubt as to the matter, is not doubtful; but is plainly, clearly, an

impression having no basis of fact or law to rest upon. And, restore in part the past? The past never is restored. Everything changes, onward. The further changes we have to make, must be--not backward, towards the past, but onward to the future. If every document which has been laid before this House and the country do not utterly deceive, if every historical authority be not at fault, no part of that state of things which prevailed before the cession of this country to the British Crown, and which that cession abrogated, was of such a character as to make it possible one should be willing (were it possible) to go back to it. What we have to do, is to go honestly forward; further amending, in the spirit of the age, the state of things we have.

But this first section of this Bill, as it proceeds to its enacting portion, savors only of retrogression, not at all of progress. It proposes to repeal the two Provincial Acts of 1845 and 1849, of which I spoke a few moments since, for the facilitating of the optional commutation of the tenure. And the Bill contains no provision in any of its after clauses, for the facilitating or even allowing hereafter of such optional commutation, by mutual consent of the parties, as these acts provided for. My clients regret that this should be proposed. These Acts provide for voluntary commutation, by mutual agreement, between themselves and their censitaires. Why should this be made impossible? Why should the machinery for commutation, which the existing law allows, be taken away? Is this, part of a Bill to facilitate the redemption of Seigniorial rights? To that end, there is needed no definition of rights that by law are clear,--no restoration of forms and modes of legal process that are obsolete and forgotten,--no repealing of statutes that already put it into men's power, by mutual agreement, to effect such redemption. Rightst [sic] must be taken as they are; their redemption on terms fair to both parties, whether ascertained so to be by their mutual consent, or otherwise, must be made easy; those legal processes and those only, that are best calculated to effect this end, and are suited to the spirit and principles of the age, must be provided, as the means by which it is to take effect.

So much for the first section of this Bill.

From the second to the fifteenth sections, it is taken up with provisions by which it is proposed to regulate the matter of the sub-granting or concession of the lands not at present sub-granted in the Seigniories.

The Second section provides:--

"II. That from and after the passing of this Act, all and every the judicial powers and authority vested in and granted to the Governor and the Intendant of New France or Canada, by the arret of His Most Christian Majesty, the King of France, dated at Marly, the 6th of July, 1711, in relation to lands in New France or Canada aforesaid, conceded in Seigniories, and by any laws in force in Canada at the time of the cession of the country to Great Britain, shall and may be exercised by the Superior Courts of Lower Canada, and by the Judges of the said Court, or by the Circuit Courts, due regard being had to the extensions, restrictions and modifications of the said judicial powers and authority made by this Act."

That is to say, all these powers, be they what they may, are vested, not merely in the Superior Court, but in each individual Judge, thereof and also in every single Judge of the Circuit Court. The phrases used are "the Judges" of the Superior Court, and "the Circuit Courts;" but it will be seen presently, that the summary procedure contemplated may be taken before any one Judge of the Superior Court, and therefore never would be taken before the two or three Judges who alone can form a quorum of that Court itself; and the Circuit Court existing for Lower Canada, (as I need not say except for the information of gentlemen from Upper Canada not conversant with our system,) though nominally a Court consisting of several Judges, never sits as such,--but must always sit and act as a Court of one Judge only. The proposal is, to vest all the powers

as to all land conceded [sic] en fief, that were ever vested in the Governor and Intendant together, that is to say, in the two officers of the French Crown who together embodied all its despotic authority, the one the head of its military and state executive, the other its highest civil, financial, police and judicial functionary,--to vest all these powers, I say, in any and every single Judge in Lower Canada, whether of the Superior or Circuit Court. I venture to express the opinion, that this is not to restore the past. The arrets, one after another, show that the Intendants jealously guarded from all encroachment by inferior Judges, the high powers [45] vested in themselves, --much more those yet higher powers entrusted only to the Governors and themselves acting conjointly. These were powers far transcending any mere judicial authority. The Intendant--absolute Chancellor, Chief Justice, and what not, as he was--could not himself exercise them alone; any more than the Governor. Nothing short of the direct interference of the whole embodied absolutism of the French King, could put them into operation. And yet it is proposed--calling them to that end, "judicial powers," as in truth they were not--to place them in the hands of every single Judge of the Circuit Court; of every incumbent of a Judicial office, the qualification for which is five years' standing at the bar, and a willingness to accept a judicial position of inadequate emolument and not of the higher grade; for without meaning the slightest disrespect to the gentlemen who hold that position--and I have the highest respect for every one of them, and only regret that the emolument and rank of their position are not more in accordance with what I believe to be their personal deserts,--it yet is an indisputable fact, that the jurisdiction entrusted to them is the inferior jurisdiction only, of the country. Under this clause, as worded, I do not see but that any of these gentlemen might decree the escheat to the Crown of an entire Seignior; and certainly this high power--half state, half judicial--to escheat and grant away Seigniories piecemeal, is meant to be conferred on each of them. Again I say, there is not here any restoring of any feature of the past.

Indeed the concluding words of the Section make it clear that no restoration is meant; for it is there said that this power is only to be exercised, "regard being had to the extensions, restrictions, and modifications of the said judicial powers and authority made by this Act." Not merely are they to be exercised by any one of a score or more of functionaries,¹² in place of being exclusively the function of two acting together; not only are they to devolve on functionaries of a rank less elevated; but they are not to be exercised as of old, at all. They are to be extended, restricted and modified,--to be converted into other powers; and then, and then only, put into force,-- new powers, by new machinery, to new ends.

I read the next Section, as the first of those clauses that together set forth the extent and nature of these innovations, which it is proposed to make, under color of a restoration of the past.

"III. And in order to facilitate the exercise of the said judicial powers and authority--Be it enacted, That no Seignior shall hereafter concede to any one individual any extent of wild land, exceeding 120 superficial arpents, otherwise than by two or more separate deeds of concession, bearing date at least two years from each other, or unless [sic], the excess over the said quantity of 120 arpents be conceded to the fathers, mother or tutor for the use of one or more minor children; and in the latter case, the extent of land conceded for each such minor shall not exceed 120 superficial arpents, and the minor in favor of whom each such concession shall be made, shall be named in the deed of concession."

That this Honorable House may understand the meaning of these words "wild land," as they here occur, I must beg its attention to the 89th Section, nearly the last Section of the Bill, and one of its interpretation clauses. Is it

thereby provided that:--

"The words 'wild lands' or 'wild land,' whenever they occur in this Act, shall be construed to apply not only to all wood lands or lands otherwise in their natural state, but also to all land in part settled or cleared, or otherwise improved by any other person than the Seignior of the censive within which such land shall lie, if such land so settled, or in part cleared or improved, be not yet conceded."

In other words, supposing any land in a Seignior not theretofore sub-granted by the Seignior, to be partly settled or cleared, or otherwise improved; if this have been done by any one but the Seignior, or a party acting at his instance and for him--for I take it for granted, that it is not meant by the words used, to require that he should himself have been the clearing settler,--such land is to be considered "wild land," within the meaning of that Bill. But need I go into argument, to show this [sic] no such idea as this was entertained in 1718, when the French King limited the obligation of the Seminary of Montreal to concede at a certain rate, to wild land, ("en bois debout,"--land in forest) and expressly saved their right to deal as they would with any land, a fourth part of which should be cleared ("dont il y aura un quart de défriché") no matter by whom or how? Or, in 1730, when Messrs. Beauharnois and Hocquart, writing in a spirit of hostility to the Seigniors, (p. 22, of Vol. 4 of papers before [the] House) proposed to let them take the full advantage of all clearings, and of all natural meadows, ("des défrichements et des prairies naturelles,") wherever to be found within their Seigniories? Or in 1735, when the King expressly refused to tie down the Seminary ever so loosely, to any usual rate that should limit their right to take advantage of whatever, for any cause, might be the reasonable excess of value of one lot of land over another? Is it a revival of old law, or a mocking play upon old words, that is intended, when it is said,--first, that wild land is to be granted in such and such quantities only,--and then, that these words "wild land" are to be held to mean--not wild land, but any cleared land which the Seignior may not have sub-granted and may not have cleared himself? If the land be not wild, and belong to the Seignior, what matter by whom it was cleared? Whether it be wild or not, whether it be his or not, are questions to be determined at common law, not by Act of Parliament. To say by Act of Parliament, that land shall be called wild, and held not the Seignior's property, because it was cleared by some one else, and has not been by him, the Seignior, alienated, is to declare the thing that is not; to enact the thing that ought not to be.

So interpreting these words, however, this Third Section which I have read proposes to declare, that such "wild land" (cleared or not) shall never be granted in quantities exceeding 120 arpents, unless it be to some father, mother, or tutor, on behalf of minor children. That is to say, man or woman with any number of children, on their hands, of a day old or upwards, may get their five, six, seven, or more, hundred arpents. The man without children may not get more than his 120. As though--I say nothing of the wide door to fraud which such a provision opens,--the man burthened with a large family of small children [46] could clear land faster than the man without. Or as though, in these days, he were to be rewarded by the state, as for public service rendered.

The Fourth Section proceeds thus:--

"IV. No Seignior shall hereafter concede any wild land, of a less extent than 40 superficial arpents, unless such concession be made for a town or village lot, or a site for building a mill or other manufacturing establishment (autre usine) or unless the said land be so circumscribed or situate as to prevent its being otherwise conceded than in less quantity than 40 superficial arpents."

Both these limitations of quantity (maximum and minimum alike) are strange to the old law of the country. Take the four grants of Seigniories, of date from 1713 to 1727, by which the Governor and Intendant sought to tie down the Seignior most tightly as the terms on which he was to sub-grant (the King the while undoing what they so sought to do,) and what limitations do we find? You shall concede, said they, at such and such a rate per arpent of frontage by so many arpents in depth; but no word was said as to the whole size of the concession; no requirement thought of, that it should not as a whole contain more than 120 arpents nor less than 40. Among the grants en censive which I have had occasion to remark upon, was one (it may be remembered) of 1674, by tje Jesuit fathers, of 40 arpents by 40. At all times, grants were made freely, of all possible dimensions. No law or arret ever proposed in this respect to regulate or limit them. It is proposed at last to do so; to do so, by provisions that every where leave all possible room for fraudulent evasion by grantor or grantee, or both, and all possible latitude for the discretion (or indiscretion as the case may be) of the one Judge by whom all disputes about them are, summarily and without appeal, to be adjudged upon.

But I proceed to the Fifth and Sixth Sections; which read thus:--

"V. No Seignior shall establish by any Deed or Contract of Concession, on any wild lands which shall hereafter be conceded, any rights, charges, conditions, or reservations other than that of having the land surveyed and bounded at the expense of the cessionnaire,--of keeping house and home on the land so conceded, within a year from the date of the Deed of Concession, and of payment by the cessionnaire of an annual rent not exceeding in any case the sum of pence currency for every superficial arpent of the land conceded."

"VI. All such concessions shall be made in the terms of the form A annexed to this Act, or in terms of like import, and shall have the effect ipso facto of changing the tenure of the land therein mentioned, into franc-aleu roturier, and of freeing it for ever from all seigniorial rights and all other charges, except the annual rent mentioned in the section immediately preceding this section; which said rent shall be considered, for all legal purposes, as a constituted rent (rente constituée) redeemable at any time, representing the value of the immoveable charged therewith, and carrying with it the privileges of bailleur de fonds."

Again I read clauses of innovatory legislation. There never was law in force in the days of the French Government, that thus limited the con[ditions which the Seignior might put into his grants, if the censitaire were willing to have them]¹³ there. So far from it, the Seignior by the terms of his own grant was commonly obliged to insert a number of other conditions limitative of his censitaire's rights. As to his own power of inserting more than he was so obliged to stipulate, there ... can be no question. I, of course, do not mean to say that the public law of the land at the present day will allow the stipulating of conditions of a servile character, or otherwise inconsistent with what is held to be public right; nor indeed, that stipulations ever could be made, in contravention of whatsoever might for the time be held as public law. But for practical purposes, such restrictions on the right of the Seignior to stipulate on his own behalf in his concession deeds, was in former days next to nothing; and is still but slight. Within the limits allowed by the public law, which limits are tolerably wide, Seigniors and censitaires are in law masters to do as they will in the framing of their deeds. For the first time, it is here proposed to declare that they shall be so no longer; that the Seignior, proprietor as he is, shall be told not merely that he may not grant any more than so much or less than so much, but that he must grant this prescribed quantity on no other than certain prescribed conditions--the same probably not being those which by the terms of his grant he has heretofore been required to

stipulate, whether he would or not,--and lastly, that he is to do all this, at a prescribed price in the shape of a yearly rent--the amount of which is in this Bill, as it yet stands, left in blank! The quantities in which, the conditions on which, I must alienate my land, I am told; but the price I am not yet told. It is not yet determined, I suppose; but the blank is satirically significant of an intention not to let it be extravagantly high.

One word of comparison between this proposal of a fixed rate--amount unknown--with that of M. Raudot in 1707 for something of the same sort, and which the King of France would not sanction. When Raudot proposed to compel Seigniors to grant at a rate that should be low, it was on the full understanding that the land was so to be granted subject to the right of lods et ventes. This is not here to be the case. And the difference is material; for upon grants en censive such as Raudot contemplated, the lower the cens, the higher would the lods be. If the land be burthened with rent to its full value, so as to yield no surplus profit to the holder, it will be worth nothing, will sell for nothing, will yield no lods. If on the other hand, the rent be small, the land at once becomes worth much, sells readily at a fair price, yields a fair return to the Seignior in the shape of lods. Raudot proposed to take away on the one hand; but also at the same time to give on the other. This bill proposes that the rent shall be a certain sum of money,--a blank sum, small enough of course,--and that the land shall be held en franc aleu, that is to say, by a tenure that shall yield no lods at all. Raudot's proposal, as we have seen, was too much an invasion of the right of property, to be acted on in those days. Is this proposal one to be acted on in these?

I look, too, at the form of the deed the Seignior is to give,--annexed to this Bill. And I find that as a thing of course it requires of him as grantor, [47] unreservedly to guarantee to the grantee the quiet possession of his grant. As grantor, I am not to get the value of the land I grant. My price for my land, the law is to limit. But my liability, as having granted it, the law is to leave unlimited. Tied down as to quantity, and conditions, and price,--not alienating my land,--in fact having it taken from me,--I am to be just as unreservedly liable to the man who takes it from me, if he is troubled in his possession, as though I had sold or granted it to him for a fair value, of my own free will. And, as if to keep up throughout, the style of satire in which the whole is drawn, my rent, (of blank amount,) I am told, is to be "considered for all legal puposes [sic] as a constituted rent (rente constituée) redeemable at any time, representing the value of the ... immoveable charged therewith." It is to be considered to represent such value. Why is it not to do so? Why am I not to have that value? My predecessors had it, under the French Crown. My right is, to have it now.

Once more I say; clauses like these could not have entered into the mind of man, unless by reason of the doctrine, in all its length and breadth and fulness that the Seigniors are wrong-doing trustees, to whom no mercy is to be shown. That doctrine disproved,--and disproved it is,--these clauses, one and all, admit of no word of defence or apology.

But there is more to come.¹⁴ The Seventh and Eighth Sections read:--

"VII. All sales, concessions, agreements or stipulations hereafter made, contrary to the preceding provisions, shall be null and of none effect.

"VIII. Every Seignior who shall receive, directly or indirectly, any sum of money or any other valuable thing as and for the price or consideration of the concession of a quantity of wild and unimproved land, over and above the annual rents and dues, or over and above the capital they represent, shall repay such surplus to the party who shall have so paid or given the same, or to his representatives; and any person who shall so pay or give any sum of money or any other valuable thing, shall have an action for the recovery thereof with costs in any Court of competent ju[r]isdiction."

Again, no restoration of anything that was law before the cession. The one nullity in those days ever thought of, as I have shewn, was that threatened by the arret of 1732,--the nullity of every sale of wild lands, by censitaire or Seignior. The sale of land not absolutely wild,--the grant of land, in any state, at high rates or under onerous charges,--were never threatened with nullity. There was one remedy and but one, for the one complaint that the censitaire might make; and that remedy was by appeal to the Governor and Intendant, and the obtaining from them of the concession, which the arbitrary will of the King had committed to them (on such complaint made, and not otherwise) the right of granting. But by this threatened legislation, I am told the size of the grants I am to make; they are neither to be too large or too small; all freedom as to conditions and price of grant, is taken from me; and if any man for any cause agree to let me have the advantage of other and to my mind better terms of any sort, such agreement--no matter how freely made--is to be "null and of none effect." I cannot bind him to his word. He cannot bind himself. Nay, in the case, even, of his having given me any kind of consideration whatsoever, to induce me to prefer him to another, for any lot that may chance to have been particularly in demand, I must give it back to him, or his representatives, whenever he or they shall see fit to ask some [sic]¹⁵ to do. There is such a thing as immoral legislation; and, as one instance of it, I must say that the law that wantonly enables men of full age and sound mind to unsay their word, to get back what they have feely [sic] given, or keep what they may have agreed to give, for that which at the time was an honest consideration, is not moral. The less we have of such law, the better.

I proceed to the ninth section:--

"IX. Every Seignior who possesses within his censive any wild lands, shall be entitled to dismember from such wild lands and to preserve for his own private use, without being obliged to concede any part thereof, a domain which shall not consist of more than superficial arpents; Provided always, that Seigniors who have already domains within their censives, intended for their private use, of the said quantity of arpents or more, shall not have the right of reserving for such use any part of the wild and unconceded lands in the same censive; and that Seigniors whose domains already reserved for their private use, are under the said quantity of arpents, shall have the right to reserve only so much of the wild lands in the said censive as will complete the said quantity of arpents."

Innovation, still.--The old law of the Feudal Tenure, as we have seen, required the grantee of land en fief to keep such land himself. Every permission to sub-grant was a relaxation of the rule. And that relaxation was carried in Canada to its utmost length, by the arrêt of Marly; under which the granting of land was not merely permitted, but in general terms, and without specification of any particular extent of reservable domain, directed. But there could have been, at the time of the framing of this arrêt, no idea of preventing a Seignior from reserving any extent of domain, no matter what, that he could make use of. When the King granted a seignior of six leagues square, to noblemen of high rank,--as for instance, he did Beauharnois--was it to be supposed that the Marquis de Beauharnois, the Governor of the country, and his brother, men of their position and pretensions, were meant to be limited to a blank number of arpents for their domain? Never.--And the grantees of seigniories were, in the great majority of instances, men of mark and consequence; many were of noble family; many were to be rewarded for valuable service rendered; many rendered special service as a consideration for their grants; some had their seigniories (the Comtés of St. Laurent and D'Orsainville, and the Baronneries of Portneuf and Longueuil, for example,) so specially ennobled as to give rank to their owners in the peerage of France itself; as a body, all were meant to be the nobles of New France. Was it ever meant to say to

them, that they must not hold and use for themselves, more than some fixed maximum fraction of the vast grants of land, which by its letters patent the Crown gave them in full property for ever? The arrêt of Marly could have meant to threaten no more [48] than this: you are not to keep these grants wild and unused in your own hands, so as to stop the clearing of the country; the king's object being to get the country cleared, he enjoins on you that you sub-grant it to settlers, as occasion shall require, in consideration of dues to be stipulated, and without insisting upon what under the circumstances the king does not choose that intending settlers be required to give--payment of money in advance. When the king said this, he said all that he meant to say; more than he meant to have carried out. The enforcement of the order was left to the two highest functionaries in the country; necessarily with the widest range of discretion as to such enforcement; and we know that they were never indisposed to enlarge that range.

Practically, I repeat, no Seigneur's domain was ever limited.

But now, it is proposed (under pretext always of restoring the old state of things) to fix upon some blank number of arpents, as such limit; to tell the descendants and representatives of these proprietors of the old time--proprietors, many of them, under titles that only did not quite invest them with sovereign prerogatives within the limits of their properties,--that they are not to retain more than so many arpents for themselves, the number not known, but sure not to be extravagant; and that they must part with all the rest, to whom, on such terms, at such prices, as the Legislature--no, I ought not to say the Legislature--as any Judge of the Superior Court or Circuit Court shall determine.

Let us see, then, what are to be the prerogatives of such Judge, in this proposed new capacity, as representing the Governor and the Intendant of the days of French absolutism. They are rather high.

The tenth and eleventh sections read:--

"X. Any person who, after the passing of this Act, shall have called upon the seignior of any seigniorly whatsoever to concede to him or to his minor child, a lot of land forming part of the wild and unconceded lands of such seignior, may, if the seignior so called upon refuse or neglect to concede such lot of land, summon and sue such seignior by action or demand in the form of a declaratory petition, (requête libellée) in the Superior Court, or before any one of the Judges thereof sitting in the district, or in the Circuit Court sitting in the Circuit, in which such lot of land is situate, for the purpose of obliging such seignior to concede the same.

"XI. Whenever the seignior shall have no domicile in the seigniorly in which such concession is demanded, the writ of summons and the petition thereunto annexed shall be served upon his agent, or upon the person charged with the collection of the rents of the said seigniorly; and if there be no such agent or no such person having his domicile in the seigniorly, the service of the writ of summons and of the petition thereunto annexed, shall be made by posting on the door of the place appointed for the receipt of the seigniorial rents, for the year next preceding such service, a duly certified copy of such writ of summons and of the petition thereunto annexed."

I see nothing as to the length of time to elapse between the service or posting of this petition and its presentation to the Judge. I suppose it is intended, therefore, that it shall be the usual length of time allowed for return of a summons. This in the Superior Court is 10 days, with an allowance for the number of leagues to be travelled; and in the Circuit Court 5 days, with a like allowance. That is to say, within from 5 to 10, or at most 20 days, by a summons that need not be personal, nor even a summons made at his domicile,--of the issue of which he may often not be made aware,--every seignior may be summoned to answer for himself, on this matter, (the refusal to

concede his own land to "any person"--vagabond, stranger, alien, no matter who--or to any "minor child" of such person--boy or girl, no matter how young,) and this before the Judge whom such person may select; and the affair, as the next section of the Bill advises us, is then to be "determined in a summary manner," unless such Judge shall think fit to order a plea to be fyled, and written evidence to be adduced.

I read the clause, lest I be thought to mis-state its tenor:--

"Every such action or demand shall be determined in a summary manner, unless the Court or the Judge, before whom the same is brought, shall think fit, for the interests of justice, to order a plea to be filed and written evidence to be adduced; and in every such action the said Court or the said Judges shall condemn the Seignior so sued to give a Deed of Concession of the lot of land so demanded, in favor of the Plaintiff, on the conditions and in the manner prescribed by the sections of this Act, within such delay as shall be appointed by such Court or Judge, unless the Seignior so sued, shall show that the lot of land so demanded as a concession forms part of the lands reserved by him, under the sanction of the law, as a domain for his own use, or that he is not by law obliged to make such concession; and in any case in which it shall be more in accordance with equity to order that a lot of land other than the one demanded, be conceded to the Plaintiff, it shall be lawful for the said Court or for the said Judge so to do; and whenever the Seignior shall, after the expiration of the delay allowed, have neglected to grant a Concession Deed in favour of the Plaintiff, such judgment shall to all intents and purposes be for the said Plaintiff in the place of a Concession Deed of the lot of land designated therein, on the conditions therein specified."

And so, when, as the representative of the grantee of any land held en fief (that is to say nobly) whether under grant from the French Crown or from the British Crown--say, as representative of the first grantee of Beauport, Desplaines, Mount Murray, or St. George in Sherrington--holder under grants of property as absolute and unrestricted as can be expressed in French or English words--I find myself impleaded before any Judge whom any person impleading me may have selected, my cause is to be heard "in a summary manner," that is to say, without written plea, or a day's delay for preparation to plead verbally, or record of the evidence taken; unless such Judge see some special cause to order otherwise. Implead me for fifteen pounds and one farthing, or as to any other matter that this, at all affecting real estate, or any right in future; and I have, of right, my delay to plead--my plea fyled in writing--my adversary's written answer--the evidence of every witness recorded--a written Judgment, from which I can appeal. But here, with my property at stake--real estate too--to a value perhaps of hundreds, perhaps of thousands of pounds,¹⁶ I may be impleaded [49] by a process not amounting to a legal summons, before a Judge to be selected by my adversary; and, unless by that Judge's permission, I am not to have the poor satisfaction of time to plead, or the right to record my plea, or the right to have the evidence reduced to writing, so that I may take my chance of bringing up any scoundrel, who may have committed perjury to my prejudice.

And even this is not all: the Judge, if he please to think such course "more in accordance with equity," may order me to grant any other lot of land than that sued for. I may, perhaps, not be present: I may be ill; the roads or the weather may have detained me; I may have staid away, thinking it of little consequence what was done,--the lot demanded being one I did not value. But my one Judge, if (for whatever cause to his own mind at the moment seeming sufficient) he shall see fit so to do, may give this "any person" any other part of my land than the part he so demanded. Perhaps it may not matter much, as matters are meant to stand by this Bill, what part of my land is given to

one, and what part to another, or which parts are to go first. They are all to go; and will not be long in going. Still, the last feather, says the proverb, is what breaks the horse's back.

But we are not come to this last feather yet. The thirteenth section is as follows:--

"XIII. Whenever it shall appear to the said Court or Judge that the lot of land, so demanded as a concession, is not susceptible of cultivation, or forms part of a mountain, hill, rock or other land, which it might be necessary or advantageous to reserve for the making of maple sugar, either for the use of those who shall have acquired that right under agreement with the Seigneur, or for the use of the censitaires of such Seignior generally, or for any other object of public usefulness in such Seignior, it shall be lawful for the said Courts of Judges to reject such demand."

That is to say: it shall not be lawful for my Judge to reject the demand, on my production of the titles of my Seignior, showing that the land claimed is mine; on my showing that the applicant has no more right to it, that [sic] any other man on this earth--or perhaps, that as a vagabond or as an alien he has (if possible) less claim to it than most others; on my proving that it is not only mine by written title, but has a house (my property) upon it, and that it is under cultivation by a party holding for me, or at any rate not denying my right. If this one Judge shall think that it does not form part of the lands reserved by me under the sanction of the law as a domain for my own use, or that I am by law (this very Bill to be such law) obliged to make concession of it,--I may not keep it. Unless it please the Judge to let me, I may not put in my plea to assert my right to it; not examine a witness brought against me in writing. But the Judge may, in his discretion, take from me any other lot of land instead. And if (still in his limitless discretion) he shall think the lot "not susceptible of cultivation," or a lot which it would be "advantageous to reserve for the making of maple sugar," or for any other end that he may regard as an "object of public usefulness,"--that is to say, if he think the lot likely to be of use as a reserve, to any one but me its owner,--he may reject the demand; and, I take it for granted, may reserve the lot accordingly.

The Fourteenth Section carries us a step further:

"XIV. In all such demands, the exception based upon the allegation that the lot so demanded forms part of the lands reserved by the Seigneur as a domain for his private use, shall be rejected on uncontradicted proof by two credible witnesses, that the Seigneur, or his agent, has, before the filing of such demand, refused to point out to the Plaintiff the situation and extent of lands so reserved by him, or that he has pointed out, as forming such domain, lands in which the lot, demanded as a concession, was not comprised."

If then, any two persons (on the occasion of this summary hearing) shall come up and make oral deposition that I have refused to point out, whenever asked, the lots of my seignior, reserved as by this bill required, for my domain; or that I have pointed out as such, other land than that in dispute; unless I have ready upon the spot (as I can scarcely have,) other witnesses to contradict them on this point, my defence--though it be that the land is part of such specially reserved domain, and though I prove it never so unanswerable--is not to avail me. If even it be so sworn that my agent ever did such a thing, the result is to be the same.

And every man, though not at the time impleading me, or expressing any intention so to do, must be shown by me (or by my agent, as the case may be) punctually and before witnesses, whenever and how often soever he may ask either of us, what lands I claim to have specially reserved for my domain. Or else, I may find him hereafter bringing up his two witnesses, to prove that we would not do so; and thus cutting away my defence to any claim he may

make to any land whatever, that he shall choose to claim of me. It is hard to think that such a clause can be meant in earnest. The land may be part of my reserved domain, beyond any kind of question; not a stone's throw from my manor house; but the Judge is [to] take it from me, if it only be sworn by two witnesses, whom I cannot on the spot contradict by others, that I or my agent ever refused to show the plaintiff my reserved domain, or did not show him that land as part of it. The depositions may be false; but I have no right to insist on their being taken down in writing, to help me in a prosecution for forgery. I do not say, there is a Judge in Lower Canada, who would refuse to let me take such evidence in writing. I believe the Judges would be better than the law. But law and Judges alike ought to be above suspicion as to purity. The Bill that leaves to the Judge such discretion as must expose him to suspicion, ought never to be law.

But lastly, to make it impossible to question the intent of this part of this Bill, its fifteenth section (the last affecting this particular part of it) runs thus:--

"XV. And all judgments rendered upon a demand for a concession, either by the Superior Court or a Judge thereof, or by a Circuit Court, shall be final and without appeal."

For anything over fifteen pounds currency, as I have said, I have my appeal, first from the Circuit Court to the Superior Court, and then from the Superior Court to the Court of Queen's Bench. For anything over fifty pounds currency, I must be sued in the Superior Court; and have my appeal to the [50] Queen's Bench. For anything over five hundred pounds sterling, I have my appeal to Her Majesty in Her Privy Council. In any case but this, involving my real estate or rights in future, be the amount never so small, my appeal lies of right to that high tribunal of last resort. But, under this bill, by this one procedure, my land, the land I hold by grant from the Crown of France or of Great Britain, it may be under the direct sanction of the Legislature of the Province, may be taken from me without legal summons, without written pleading filed or evidence taken, by any single Judge, summarily, finally, without revision or appeal forever. Is this French law? Is it English? Can it ever be Canadian?

I have arrived at the second part of this Bill; which purports to provide for the Reunion to a Seigneur's Domain, of lands granted to censitaires but not by the latter duly settled upon. This part of the Bill covers from the sixteenth to the twenty-eighth sections, both included.

The sixteenth section reads as follows:--

"XVI. And in order to facilitate the reunion to the domain, of such lands or parcels of land, in the cases provided for by law, and to render such reunion less expensive to the Seigniors and to the censitaires [sic]--Be it enacted, that any Seigneur, may be one and the same action or demand, in the form of a declaratory petition, (requête libellée,) sue and summon before the Superior Court, sitting in the District in which such seignior is situate, any number of persons holding lands in the said Seignior, on the condition of settling on the same, and of keeping house and home (tenir feu et lieu) thereupon, and who shall have failed to perform any one of the said conditions, and to demand, in and by such action, the reunion to the domain of such Seignior, within such reasonable delay as shall be ordered by the Court, of all the lots of land, in respect to which such condition or conditions shall not have been fulfilled; and it shall be lawful for the said Court, to proceed and to give such judgment in the action as to law and justice shall appertain, with regard to the reunion of all such lots of land to the domain of the Seignior in which they are situate."

Fully to show its purport, some remarks may be necessary.

The two arrets of Marly gave the habitant desirous of becoming a censitaire

a certain right of procedure against the Seignior; and gave the Seignior a certain other right of procedure against the censitaire. The censitaire by the latter of these two procedures could be turned out of his holding, without summons, upon the certificate of the curé and captain of the côte that he did not keep hearth and home upon it. Now, I do not approve of that summary proceeding. I do not want to go back in any respect, to the past. Most surely, I do not want to revive this procedure. The present had need be made better for all; not worse for any. But what is it proposed by this Bill, to enable the Seignior to do against his censitaire? After the proposal to let a man who has no right to my land, take it from me against my will, by petition to one Judge, summarily and without appeal; what am I to be empowered to do with the censitaire, to whom I granted land on express condition (among other things) of settling & living on it, but who has failed to perform his contract on the faith of which I so granted? By this section I am to have the great privilege of being allowed to sue any member of such defaulter, censitaires, if I please, in one action; but this action must be before the Superior Court, where written pleas and written evidence are rights at common law. I have heard of persons, thankful for small mercies; but I never met with a well authenticated case of a man thankful for no mercy at all. This privilege is one, of not the very smallest practical value. If I have not it now, the reason is not more to be traced to the technical difficulties in the way of such a procedure, than to the consideration that it was never worth any man's while to try to overcome them. It is easier and safer to sue five hundred men--each on averments of fact affecting himself only,--by five hundred several actions, than it would be to sue them all by one. What sort of a requete libellée could I bring into Court, to turn out five hundred censitaires, for failure by each to settle on his land? All I could do, would be to write out the substance of five hundred separate declarations, one after another, each complaining of one, but all on the same paper. My requete would be only five hundred different requetes tacked together. And I should just have to serve a copy of the whole on each man, instead of serving on each man no more than the one requetr [sic] that properly concerned himself. Would it not be simpler to bring each action separately?

Besides, if I brought them all in one, I should have a most unmanageable action on my hands; and--for it is more than doubtful whether I could possibly get judgment against any one or more of the five hundred, till the cases of all should be ready for final hearing--I should further be tolerably sure to have the whole of my procedure hung up before the Court for a somewhat intolerable term of time. By our system of procedure, as it stands, (and I see no proposal here, to alter it in this respect,) any one of several defendants by pleading would delay the suit against all. But supposing that difficulty avoided, this proposal still gives me nothing; for I had better (on other grounds) bring my five hundred suits than be hampered with one unweildly procedure against five hundred. In the days of the French system things were very different in this respect. Then, the proceeding under the second arriet [sic] of Marly, against the censitaire was summary as heart of man unfriendly to the censitaire could wish. Then, the Seignior came before the Intendant, with two certificates against any number of censitaires; and the Intendant, if so minded, could make out his order against them all, without ever asking them what they had to say. If disposed to be more considerate, he would summon them; one or more would perhaps appear; and on their appearance, or default, as the case might be, judgment would go, as readily and unreservedly against those who might not appear as against those who should. These things were common then. It is well, that they are not so now. The procedure of our Courts, the law, is not such now, as that any man can turn a number of men out of property, without first proving his case distinctly against each. And this being so,

it is no boon to tell him that he can sue any number of men, for different causes of action, by the same suit. A suit against each is his best course.

[51] The Seventeenth Section provides for the mode of Summons; and calls for no particular remark.

The eighteenth Section is as follows:--

"XVIII. Whenever the said Court shall be of opinion, that the lands the reunion whereof to the domain of the Seignior in which they are situate, is demanded, ought to be so reunited, it shall be the duty of such Court to order, by an interlocutory judgment, that on a day which shall be at least six months from the date of the said judgment, the said lands shall be so reunited to the domain, unless some party interested shall then shew to the satisfaction of the said Court, that the reunion of such lands, or any part thereof, ought not to take place; and it shall be lawful for every person so sued to prevent the reunion of his land to the domain, by proving that he has, within the delay allowed by such interlocutory judgment, fulfilled the conditions of his deed of concession, without however being thereby exonerated from his share of the costs incurred in the action."

The differences between the two modes of procedure are beginning to appear.

In that against me, in the procedure by which any man shall demand (for himself, or for his minor child of a day old) to have land that is mine,--or at any rate not his,--he gets a judgment at once, on the day he comes before the one Judge of his choice, if that judge thinks proper. He may get such judgment, though I may have had no such summons as in any other kind of case the law would assure to me, and though I be absent--ignorant of the fact of his demand. And I can have no appeal; no help, even though the Judge may have made the most obvious blunder. But, when I have a right in strict law, to get back my land, because the man who took it of me has not done with it what he bound himself to do--on express pain of forfeiture of the land--as the condition of his having it; after written pleadings fyled as of right, with all delays of right, evidence taken in writing, argument by Counsel before the Court, (the Superior Court--no one Judge can be trusted here,) after all the cost, trouble and delay of all this, I get, if the Court are satisfied that I am right--what? Not a judgment upon my demand, on the day the Court are so satisfied. No such thing. "Any person," in the other sort of case, with no legal right, would get a judgment against me,--a judgment giving me no more delay than the one Judge giving it should appoint,--a judgment executing itself the instant that delay should have expired, were it a week, or a day, or an hour,--a judgment I could not appeal from. But here, with my legal right, after due suit decided by a full Court of high jurisdiction, I am to have a mere Interlocutory judgment, to the effect, that as I have a right to the land, it shall on a day "at least six months" off in the future, and as much longer as may be, become mine; that is to say, "unless" by that time the Defendant--no, not the Defendant--"unless some party interested," no matter who, no matter how, shall then (as by his clause he may) put himself into the suit, and fyle new pleadings in the suit, bunkum pleadings, if he be so minded,--alleging that for any kind of reason imaginable my declared right ought not to be accorded me. In which case, I, perhaps, ought to be thankful that at common law I can answer his pleadings, take down and sift his evidence, argue my cause again, and after such further cost, trouble and delay as may be, perhaps get my right at last.

As the law stands, without this Bill, the Seignior can sue his censitaire on this ground of complaint, any day; and when he has proved his case, is entitled of right to final judgment. He does not so sue, because it is not practically worth his while. This part of this Bill pretends to help him; offers him the boon of leave to sue any number at once, by way of having on his hands a case that never can be got through with; and assures him in any

case, of some extra loss of time and annoyance, to say the least, in the conduct of his cause.

The next Section, the nineteenth, proceeds:--

"XIX. A copy of every such judgment so rendered shall be published in the Canada Gazette, or other newspaper recognized as the Official Gazette of the Province, in the English and French languages, at least three times during the period which shall intervene between the date of the said judgment and of the day fixed therein for the reunion of such lands to the Seigniorial domain; and such publications shall not be made at an interval of less than four weeks, nor more than six weeks from each other."

My procedure is to be simplified and made cheap and easy. And I am to be thankful that it is so. But, when I have got my Interlocutory judgment, in place of the Final judgment which the law as it stands would give me; and while I am waiting my six months or more, to see whether the defendant or any one else will amuse me with a new contest; my patience is not to be too severely tested. I am to do something,--of course, at some cost. I am to advertise in the Canada Gazette, in both languages. Unless I do, I cannot go on; for of course the defendant will not. Therefore, I must. And if I have put my five hundred censitaires into one action, I may perhaps put them all into one advertisement; and in the end have the luck to ge[t] back the five hundredth part of my costs from each of them. Till that end, I am to amuse myself as best I may, over their outlay.

The twentieth and Twenty-first Sections make detailed provision for the fying of oppositions by the Defendant's creditors, and others; that is to say, for the putting of record before the court, of all objections that any one (claiming to be interested) may be disposed to urge against the Plaintiff's getting back his land, as prayed for. Of those details I need not speak. But I cannot but remark, en passant, on the fact that in this my procedure, my opponent's creditors--every one claiming on or through him--can come in, to embarrass or defeat me. When the question was, as to the taking away of my land, no creditors of mine, or claimants through me, were allowed a word. The obvious idea pervading the whole Bill, is, that the Seignior is no proprietor, has no rights, can have created none, upon his land, given him by the Crown ever so unreservedly; but that the moment any part has passed through him to another man, (albeit subject to a condition, the non-fulfilment of which is admitted to have wrought a forfeiture,) that man became its absolute proprietor, and his creditors, and all claimants under him, are to be cared for. Even I, who have written contract giving me [52] the right to resume it, cannot get it back, but by a most troublesome and dilatory litigation. Under the old law as it stood before the cession, I might have got it in an hour, by an application that might even be (and sometimes was) exparte. It may not be so now. It ought not to be so. My clients do not ask to have it so. But if nothing summary is to be done for them, as of old it was to be, and was, done; why is everything summary to be done against them, as of old it might not be, and was not?

The Twenty-second Section reads as follows:--

"XXII. On the day fixed by such Interlocutory Judgment, or on any other subsequent juridical day, the Court shall proceed to order the reunion to the domain of the Seignior in which they are situate, of such lands as ought, according to law, to be so reunited, and to the reunion whereof no opposition shall have been made; and to declare the Censitaires who took them à titre de concession, or who previously held them, to be for ever deprived of all rights of property therein."

If, then, no one claiming to be interested shall come forward with an opposition, to make me fight another battle,--if neither Defendant nor any one else pretend anything against me,--if nothing in any wise untoward inter-

vene,--I am at last to have my Final Judgment.

But--says the Twenty-third Section:--

"XXIII. In any case in which the Court shall maintain any one or more of the oppositions made to the reunion to the domain of the lands the reunion whereof is so demanded, it shall be the duty of the said Court to order the Sheriff of the District to proceed to the sale of the lands or of such of the lands the reunion whereof to the domain is so opposed, subject to such charges or servitudes as may have been established by such oppositions."

If any man show the Censitaire to have done any act of a nature to give him, such opposant, a claim or right over the land--and every such pretension advanced, I must contest at my own cost and risk, unless I make up my mind to let it take effect,--the land is to be sold; but sold at my expense, for of course the Defendant will make no outlay for such sale. By the Twenty-fourth Section, the sheriff is to sell in a certain manner; and by the Twenty-fifth, he is to make his return within a certain delay; but, of course, I am at the expense of all his doings.

The Twenty-sixth Section at last lets me do a something to protect myself, if I can.

"XXVI. The Seigneur, plaintiff in the cause, may file in the office of the said Prothonotary, at any time between the date of the judgment ordering such sale and the expiration of the two days immediately following the return made by the Sheriff of his proceedings thereon, an opposition à fin de conserver, in order to obtain payment of the arrears due to him upon any land so sold."

If arrears are due to me on the land, as presumably they will be, I too may fyle my claim in Court, for payment out of any money, that the Sheriff (after paying himself) may possibly have to pay into Court, from the proceeds of the sale. This is certainly some thing; but not a great deal.

The Twenty-seventh Section says:--

"XXVII. The said Seigneur and the other privileged opposants, if any there be, shall be the first paid out of the amount arising from such sale, according to the preference of their respective privileges; the hypothecary creditors shall be collocated according to the order and rank of their respective privileges, and the remainder of the amount arising from the sale shall be distributed among the opposing creditors claiming for chirographical debts, at so much in the pound, or according to the preference of the privileges they may be entitled to."

The proceeds of the sale, if any there be, are to be dealt with, that is to say, in common course. I take it for granted, that my costs, as well as my arrears, are to come out of them, if possible. But the worst of the matter is, that, as the land sold is land on which the censitaire would not do settlement duty,--as it is sold merely because he has not thought it worth while to keep it, or get it kept,--it is ten to one if it sell for the Sheriff's charges. My other costs, and my arrears, are in small danger of being paid. If I get them, I may write myself fortunate; if not, rather otherwise.

But there is more behind. The evicted censitaire may carry [sic] his cause through every appeal; though the evicted Seigneur (as we have seen) may not through any. So, too, may any defeated opposant or other party, with whom I may have had to contend. It is only when "any person" wants my land, that I am to have no appeal.

And suppose me ever so fortunate; no second fight with any one, after my interlocutory judgment; no oppositions; no Sheriff's sale; no appeal. Appeal, indeed, we shall soon see, on the part of the Defendant, will be hardly probable.--The land is again mine. But the man I have just evicted, can at once turn round and get it back, again; may implead me summarily before any one Judge, and force it from me, at a nominal rent bearing no relation to its value, the blank amount which this Bill is yet to fix in that behalf.

Will a sane man take this trouble and incur this cost, to get back land, after such delay; when any one may take it from him, the day after? Of course, the thing will never be attempted. No client would think of it. No Counsel could dare suggest it.

Still, the twenty-eighth section reads as though a lurking impression had been entertained, that such a thing might be; as though it were determined to make assurance doubly sure, that it should not. It runs thus:--

"XXVIII. Nothing in this Act or any other law contained, shall be interpreted so as to give any Seigneur the right of demanding the reunion to his domain, of any town or village lot or emplacement, nor of any land settled and cultivated or reserved for cutting firewood, although the proprietor should not have house and home thereon."

So that really, if any man ever were to do so absurd a thing as to institute an action of this kind, all that the Defendant would have to say or prove in order to his defence, would be, that he had reserved the land in question "for cutting firewood;" and this is to be taken to be that keeping of hearth and home, to which his contract in express terms binds him, and which of old meant (and was at law enforced as meaning) not mere clearing, not mere cultivation, but literal residence upon the land. [53] On the one hand, if, when any man demands my land from me, I answer that it is mine and is not wild land, he has only to reply, and is (according to the new dictionary which under this Bill will be wanted, to interpret the Queen's English) "it is not yours, and it is wild,--because you never alienated it, and though cleared, was not cleared by you." On the other hand, when I bring him before the Court and complain that he does not keep hearth and home, "oh yes!" he will say, "I do; that is to say, I do not, but I have reserved it for firewood, and I cut one faggot last year, and shall cut three sticks this." I trust I have not spoken with too much levity. Sure I am, that I feel none. I feel the matter to be grave enough.

In one word, the old system gave the censitaire hardly a chance against the Seigneur. It was bad; bad especially in this. I ask on the Seigneur's behalf, for no restoration of any part of it. Under the system proposed by this measure, as such restoration, the Seigneur can have no chance against the censitaire. I have good right, in the interest of all, to protest against it.

I pass to the third part of the Bill; that which undertakes to treat of mills, water powers, and Banality; and which extends from the Twenty-ninth to the Thirty-second Clauses, both included.

The Twenty-ninth Section is in the following words:--

"XXIX. And whereas since the said cession of the Country, divers Seigniors, Proprietors of Fiefs in Lower Canada, have imposed on lands conceded by them, rents exceeding those at which such lands ought to have been conceded according to the ancient Laws of the Country, and have burthened the said lands with various reserves, charges and conditions which impede industry, delay the settlement of the Country and check the progress of its inhabitants; and whereas it is just to remedy such abuses--Be it enacted, That no Seigneur shall hereafter be entitled to the exclusive use of unnavigable rivers, except such part or parts of the said rivers the waters whereof run through or along the domain reserved, or hereafter to be reserved by him, and through or along the lands and lots of land acquired, or to be hereafter acquired, by him for his own private use; and any agreement made between the Seigneur and the proprietor who has the domaine utile of any land held by him à titre de cens, in any Seigniorly whatsoever, with the view of depriving such proprietor of the right of building mill[s], or other manufacturing establishments (autres usines), is hereby declared to be null; and every such agreement shall, to all intents and purposes, be hereafter considered as not having taken place, whether the

same be stipulated hereafter, or made before the passing of this Act."

The reference to excessive rents, is here out of place; and I suppose must have found its way into the clause, by some error of copyist or printer; and therefore I will not here speak of it. But as respects the remainder of this clause, several considerations suggest themselves.

It is drawn, as though all that is obnoxious in the Seigniorial tenure, were the consequence of contracts which Seigniors have insisted on making in contravention of the ancient laws of the country. Such cannot be the case. The heaviest of the burthens of the Tenure result (independently altogether of contract) from what I may call the public law of the Tenure. The lods et ventes or mutation fine of a twelfth part of the purchase money, payable on every sale, the burthen which more than any other presses upon the public, and retards improvement,--and the right of banality, or exclusive privilege of grinding grain at the Seigniorial or Banal Mill, as it here exists and is maintained by our Courts,--are no result of special contract, but arise out of the law; the former, out of the old common law of the Custom of Paris; the latter out of the local legislation, for Canada, of the Conseil Supérieur de Québec, and of the French King. And it is these, which form the comparatively onerous and objectionable part of the Seigniorial system, as it here exists. The mere fact of a farm being burthened with a ground rent of at most a few pence per arpent, is a matter of far less moment,--in fact, a matter of no great moment in a political point of view. And as to the other special burthens and reservations stipulated by some contracts, they are practically of still less consequence; being many of them little more than waste paper, not enforced nor likely to be. The lods et ventes and banalité are what press the most; and these, as I have said, are not the result of Seigniorial cupidity, but of legal enactment.

To return, however, from this digression. The true question is: are or are not any particular clauses and reservations between Seignior and censitaire, illegal,--repugnant to public law,--so that, although agreed to by the parties interested, the law will not enforce them? If the law gave me the right to make a contract, though the making of such contract may not perhaps be for the public interest, no man has the right to require afterwards that it be held null. It was a legal, binding contract, when made; and such it must remain. Further, the burthen of proving that a contract is thus repugnant to law and null, must rest with those who assert it to be so. Have they, as regards this present matter, cited the text of law that declares clauses of reservation by a Seignior, null? Or any Jurisprudence of our Courts, that might be presumed to show the law so to be? There is no such law; no such Jurisprudence.--They are characterized as prejudicial to the public. If so, it may be a public benefit to get rid of them; but in getting rid of them, we have at least no right to punish the one, and to reward the other, of the two parties who originally agreed to constitute them. Take measures now to put an end to them; put things as they ought to be; but do not say, the public has changed its mind,--what was once lawful, shall be so no longer,--we are going to make a new world, and so doing, we mean to enrich or ruin whom we may.

The enacting part of this Section proposes to deal only with one description of [a] reserve clause in concession deeds,--that, namely, having for object the reservation from the censitaire, of water-powers on non-navigable rivers. All such water-powers, it is proposed to declare to belong to the censitaire holding the adjacent land; all clauses to the contrary in the deeds of concession, it proposes to declare null.

Now the question of the right of property in these minor rivers and streams is tolerably complex; and its solution in each case presented, [54] must depend on the particular circumstances of such case. It is impossible,

in a few lines of an Act of Parliament, to say anything declaratory of the law about them, without doing the greatest injustice to all sorts of people.

Nothing can be more certain, than that under the old French law, when a Seigneur (himself having the droit de peche, or right of fishing, within his Seignior) granted land bordering a river, to a censitaire, if he did not in terms grant also the right of fishing therein, it was presumed that he kept it. The censitaire, to have the right, had to get it. If his deed did not show that he had got it, the Seigneur was understood to have retained it. I am not saying that this was as it should be. I am not urging it as a doctrine to be now practically enforced, as of old it was with all the rigour possible. I cite this rule of the old law, merely as showing beyond a doubt, that by law, the censitaire who held the land did not as of course hold any right approaching to that of property in the water running past it,--had not even the right to fish in such water. The correspondence between Messrs. Beauharnois and Hocquart, and the French Government, of the years 1734 and 1735, (pages 31 and 32 of volume 4,) on which I have already remarked, (if authority were wanting) is decisive of this point. The Governor and Intendant, it will be remembered, wished to oblige the Seminary to grant this right of fishery to all settlers; but the King would not so far change the law, as at all to fetter the free action of the Seminary [in] that respect.

A constant succession of legal decisions in the Province, also attest the rigour with which this rule was maintained. Two Ordonnances or judgments, in particular, I may allude to, rendered by M. Begon, the one in 1723, the other in 1730, (see pages 83 and 133, of volume 2,) in the matter of a somewhat obstinate dispute between the Seigneur of Portneuf, and two of his censitaires. The Seigneur complained of two of his censitaires whose deeds gave them no right to fish in front of their lots, alleging that they did so fish, and yet would not pay him the yearly rent which he was willing to take for the right. They replied that though the right had not been expressly granted to them, their neighbours all had it, and they ought to have it too. But the Intendant held them to have no such right, and at once condemned them, either to pay the Seigneur or abstain from fishing. Some time after (in 1730) we find the same parties again brought before the same Intendant; the Seigneur setting forth, that they had of late refused to pay the rent ordered in 1723, that he had thereupon leased the right of fishing in front of their lots to another party, & that they persisted in fishing and otherwise molesting such party. They were at once condemned, on pain of a heavy fine, to abstain from all fishing, and to leave the Seigneur's lessee in exclusive enjoyment of his right.--In 1732 and 1733, again, two other judgments in the same sense (see pages 150 and 154 of volume 2) were rendered with respect to certain disputes between the Seigneur of St. François on Lake St. Peter, and a number of his censitaires. The title of that Seigniority carries it out a quarter of a league into the Lake. The Seigneur insisted on his exclusive right of fishing there, and it was maintained against his censitaire, that none but he, and those to whom he should specially grant the right, could fish there; that he could even lease the right to a third party, to the exclusion of the censitaires whose land bordered on the Lake, and who ... were contesting with him the point of their right to fish without his leave.--Later still, in 1750, only ten years before the cession of the country, (see page lxxxix of the 2nd volume of the Edits et Ordonnances) the censitaires of Sorel were forbidden to fish, under heavy penalty, unless pursuant to written permission from the Seigneur; for which of course they had to pay.

I allude to these cases, not because there is at this day any difficulty about the right of fishing; but because it is here proposed to give to every man, whatever the terms of his grant,--though it be thereby expressly stipulated, even, that he did not take the water,--that the water is his; that the

stipulation to the contrary is null; that the man who said, I take the land without the water, who acknowledges that he never acquired the water, shall notwithstanding have it given to him; and that the man who with the consent of his co-contractant reserved it for himself, shall not be suffered to keep it. Was such a reservation contrary to law? The law holding, that even in the absence of any stipulation, a grant of land conveyed so little control over the water, as not to give the grantee so much as a right to take fish in it? If it be said, indeed, that the owner of the land ought, on grounds of public policy, to be the owner of the water in front of it, or to have the right (on payment of the fair price) to become so, I can understand the proposition. If that is to be adopted as a new principle of public policy, let it be so called. Contrive the machinery for effecting the required change; but do not declare away the vested rights of parties, whose relative position, as the law stands, admits of no shade of doubt.

I am of course aware, that there is a certain amount of controversy, as to how far the Seignior is owner of these streams. In the case of *Boissonnault vs. Oliva*, (Stuart's Report, p. 265,) where, however, the precise point was not material to the decision given, the learned Judge who stated the judgment of the Court, spoke of the waters of non-navigable rivers as belonging to the Seigneurs Haut Justiciers, and hinted that as the Seigniors of Canada were practically no longer Haut Justiciers, the Crown alone dispensing all Justice, the Crown had become [*sic*] the owner of all these small streams. The doctrine, that the waters of the smaller rivers were in France the property of the Haut Justiciers, is undoubtedly the opinion of many writers of high mark: but many again, also of high mark, think differently. No question arising out of the old law of France, has perhaps been contested more keenly; or at this time more divides the opinions of the able men who have examined it. As to which side has the weight of authority, or the abstract truth of the case, I would not wish (referring to the subject as I do incidentally) to be understood as venturing to offer a strong opinion. But certainly, the most satisfactory work I have been able to find on the subject, that of *Championnière*, holds that these rivers were the property of the Seignior of the Fief, or Seigneur Féodal, the true owner of the land, that the Seigneur Haut Justicier was no owner either of the land or water, but merely a grandee of more or less importance, who owned the right of levying certain dues (droits de justice) on persons within his jurisdiction, and of dispensing [55] justice--a profitable employment in the olden time--within limits more or less extensive, among such persons. In France, the Haut Justicier was not necessarily the holder of any landed Fief whatever; and where he was, the territorial limits of his Justice and of his Fief were constantly not the same. It became thus a question whether the ownership of the non-navigable streams was in the Seignior who held the Justice, or in the Seignior who held the Fief. The Crown at an early date had made good its claim to be held the proprietor of all navigable rivers, as a necessary consequence of its rights as being what one may call the supreme Justicier, charged with the exercise of all haute police and jurisdiction over them. And the Haut Justiciers on the like ground claimed a like property in the minor streams. In some parts of France, and at some periods, their claim was maintained; in other localities, and at other times, that of the Seigniors of the mere Fief was held good against them. No one ever thought of the doctrine, that the stream in controversy could belong to a Censitaire, unless by reason of some unequivocal grant made in his favour by the Seignior (whichever it might be) there and then held by presumption of law, to be such owner.

Since the abolition of all feudality in France, the question has there assumed a new aspect; but the old controversy remains unsettled. On the assumption that the streams belonged to the Lord of the Fief, they must have

passed, under the legislation which destroyed the Seigniorial Tenure, to the censitaire of the land adjoining. On the assumption that they were the property of the Lord of the Justice, they must have passed to the State. As of old in France, the State has its vantage ground, in all controversies with the individual. But, notwithstanding this, the controversy cannot be said to be yet settled either way.

In Canada, the state of things has always been, in these respects, materially different. The Seignior, grantee of a Fief, was not always constituted a Justicier; though he was so in most cases. But the Justicier at least always held a Fief, and his Justice and Fief were co-extensive. Every Seigneur Haut Justicier was, therefore, in one quality or other, originally the proprietor of these waters, as well as of the land, within the limits of his Fief. Of course the navigable rivers (though in some grants of early date expressly given away) were by virtue of the public law, and have remained, the property of the Crown, whether of France or of Great Britain. Those here who hold that the non-navigable streams were originally the property of the Seignior in his quality of Justicier, may hold further (as was hinted in the case of Boissonnault vs. Oliva) that by reason of the Crown alone exercising jurisdiction of any kind under our public law, such right of property has vested in the Crown; though such inference, by the way, admits of grave controversy. But even admitting such inference, we come to the conclusion that the Crown, and not the censitaire must be the true owner of these waters. If, on the other hand, there be any flaw in this reasoning,--if the property went to the Seignior [sic] as grantee of the Fief, and not as grantee of the Justice,--or if, going to him in his latter quality, it be not held to have passed from him in consequence of his merely losing the rights of jurisdiction that were once attached to it, the Seignior, and not the Crown, is such owner. On either supposition, the censitaire (unless his grant be in such terms as in law may be held to pass title to him) is not such owner.

But the case does not even rest here. Numbers of the grants to Seigniors, as I have had occasion to observe already, in express terms give them the property of certain rivers, or of all rivers in their Fiefs. I have only to-day had placed in my hands the original document by which the French king ratified the grant of the Seigniorship of Rimouski; and it in so many words grants "the river Rimouski" and so much land adjoining it. There are some scores of such grants; and scores of others that give rivers and streams in general terms; none that imply the idea of not giving them. Now, in cases where the grant of streams is mentioned in the instrument of concession, it must be clear that the property in such streams granted was not given as an incident of the Justice, but as part of the Fief. Indeed, it was sometimes so given, where no Justice at all was granted.¹⁷ There are certainly cases, therefore, and those, not few, where it is impossible to hold the Seignior's right over streams to have ever been that of the Justicier,--where it cannot have passed to the Crown,--where it must be his, unless indeed (and this, is matter of legal inference from the deeds of concession he may have granted) he be found to have parted with it to his censitaire.

In any and every supposable case, however, the fact is patent, that the censitaire, unless his deed--interpreted as the law shall be found to interpret it--has given them to him is not the proprietor of these streams. And whether, in particular cases, the Crown can claim to be such proprietor, or not, it is at all events not for the Legislature to step in and say; this man, who had no right to the water, shall have both land and water and that man, to whom both were given, shall have neither. On principle, you might as justly say, that the land on each side of a stream must belong to the owner of the stream, as that the stream must belong to the owner of the land.

I am not without high local authority, in taking this view of this part

of my case. I have had placed in my hands, a public document--an authentic copy of an order in Council, of the Executive of this Province, bearing date as late as 1848, and having reference to this question, as it then arose for decision by government within the Seignior of Lauzon, a property belonging to the Crown by private title. A censitaire holding land in that Seignior, but who did not own the water power adjoining his lot or rather who had acquired from the former Seignior, one water power only, out of two that existed there with a mere permission subject to the Seignior's revocation to use the other for certain special purposes,--had applied for a commutation of tenure. The question presented itself, whether by commuting the tenure he would become the proprietor [sic] of both water powers, that is to say of the stream in its entirety. If so, the whole value of the stream would have to be taken into account, in fixing his commutation money. If not, not. This question, in the document I speak of, is fully & ably treated. It is therein laid down, that non-navigable streams clearly belong either to the Seigneur Haut Justicier or to the Seigneur Féodal; that on either supposition, this stream had become the property of [56] the Crown; that this censitaire was wrong, if he thought that he could become the proprietor of the other water privilege, by merely commuting the tenure of the land; that therefore, the value of such other privilege was not [to] be taken into account in estimating his commutation fine; and lastly, that (to avoid the risk of a doubt as to the intended effect of his commutation) a clause should be inserted in the deed of commutation, expressly declaratory of the fact, that the water power in question remained the property of the Crown.

That decision was a right one. The Seignior who has once acquired the stream, and has not parted with it, has the right to hold it as his own. No man has the right to take it from him. You may, if you will, provide for its being taken from him, as you may for any other property being taken from him, for any sufficient end of public policy; but he must be paid for it, and paid its full value, when it shall be so taken.--It is not to be taken first; and he left afterwards to prove the fact and amount of loss thence resulting, and to pray for an uncertain indemnity, which he may very likely never succeed in getting.

Yet this is what this section proposes to do, as to this matter.

The thirtieth section proceeds to the kindred subject of the right of banality; and reads thus:--

"XXX. The right of the Seignior to require the censitaire to carry his grain to the banal mill to be there ground, on paying to the Seignior the ordinary toll for the grinding of such grain, shall hereafter be considered as applying to no other grain than such as is grown on the lands held à titre de cens in the Seignior in which such banal mill is situate, and is intended for the use of the family or families occupying the said lands."

Now this right of banality, I may say without doubt, (for I am confirmed in so saying, by all the jurisprudence of the Intendants and Courts before the cession, as well as by that of the Courts since) exists in Canada by virtue of the law, and independently of contract between Seignior and censitaire; although it did not exist in France within the local range of the Custom of Paris, unless by virtue of such contract, or other sufficient title; and it involves the right on the part of the Seignior, to prevent any other mills than his own, from being put or kept in operation within the limits of his banality,¹⁸--to prevent any miller beyond those limits from beating up for custom within them,--and lastly, to oblige his censitaires to bring their grain for grinding at his mill, on certain fixed terms, as to price and otherwise. Under the Custom of Paris, I have said, this right did not exist at common law; but it could always be enforced, and was enforced, to the letter, whenever any censitaire was shown by his deed to have agreed to it; and it

could even be enforced, and was enforced against all the world, whenever the Seignior could show what was called a "titre valable"--a sufficient title to warrant such enforcement. I do not here go into the detail of what constituted such titre valable; the consent or recognition of such and such a proportion of all the censitaires, and so forth. The only important point, here, is the fact, that in Canada, the state of things, as existing under the Custom of Paris, was altogether changed, by two leading arrets of a legislative character. The first of these was an arret or decree of the Conseil Supérieur de Québec (a body undoubtedly capable of making such a law) under date of the 1st of July, 1675. This arret ordained, "that all mills, whether water mills or wind mills,"--by the Custom of Paris, no wind mill could be presumed banal--"which the Seigniors shall have built or shall cause to be built hereafter, shall be banal." The other was an arret of the King himself in his Conseil d'état or Privy Council, under date of the 14th June 1686, which ordained "that all Seigniors, possessing fiefs within the limits of the said country of New France, shall be held to cause to be erected banal mills within a year after publication of the present arret; and, the said delay expired, in default of their having so done, His Majesty permits any persons, of what rank or condition soever, to build such mills, attributing to them to that end the right of banality, and forbidding all persons to disturb them." By force of these two arrets, every Seigniorial mill was constituted a banal mill; and every Seignior was declared to have the right of banality ... in respect of such mill. He might lose true, by non-user; and in such case any one else might acquire it. But unless he did so lose it, it was by law his.

And as to his losing it, I should perhaps say a word or two. To any one not conversant with Lower Canadian law, the second of the two arrets I have read, may seem to imply that a Seignior who should not have built within the year after its promulgation, would ipso facto lose the right. But such is not, and never was held to be, its meaning. Like the first of the two arrets of Marly, it merely enjoins a duty--so limiting to a certain degree a pre-existent right which it admits; and after such injunction, it provides a remedy against the possible case of failure to obey. That remedy consisted, in the right to be given to any one else to build mills, and so acquire the banality of the Seignior, to the exclusion of the Seignior. Till this should have been done, the Seignior, though he might have no mill in operation, retained his right to have such mill, whenever put into operation, held a banal mill. And any other person, in the meantime wishing to avail himself of the remedy provided against the case of the Seignior's neglect to build, had first to summon the Seignior by legal process, so as to establish judicially the fact of his being in default, and thereupon to obtain a judicial sentence forfeiting his right, and attributing it to himself the plaintiff.

It has been argued, with much ingenuity, that the right of banality, as introduced into Canada in 1675, did not comprehend (as in France, wherever existent, it undoubtedly did) the right to prevent the working of any other mills in the seignior. The arret of 1675, after the words I have already cited, declaratory that all mills built or to be built by seignors [*sic*] "shall be banal", proceeds thus:--"And thereupon, that their tenants who shall be bound by the contracts of concession that they shall have taken of their lands (qui se seront obligez [*sic*] par les titres de concession qu'ils auront pris de leurs terres) shall be bound to take their grain there to be ground, and to leave the same there at least twice 24 hours, after which [57] it shall be lawful for them to take the same away if not ground, and to take it elsewhere for grinding," &c. And it has been urged, that the only banality granted here, is a banality granted against censitaires who by express stipulation to that effect in their deeds should have subjected themselves to it; that the right was therefore not an absolute right of the fief, but a mere right to enforce

a certain contract, if made. On which latter supposition it is further urged, that it could not go the length of preventing any one not bound by such contract, from setting up a mill within the fief. This view, however, has never been maintained judicially; on the contrary, in the last case decided upon the subject,--that of Monk vs. Morris, (see L.C. Reports, vol. 3, p. 3) decided quite lately by the Superior Court at Montreal,--though urged with the utmost ability by the defendant's counsel, it was over-ruled by the Court. And all former decisions, before as well as since the cession of the country, are against it. And with good reason. For, if such were the meaning of the arret, it had--so to speak--no meaning at all. By the Custom of Paris, any censitaire who had bound himself to grind at the Seignior's mill, was so bound, whether the mill was or was not banal. To say that a mill was banal, was to say a great deal more than that censitaires, thereto bound by special contract, must go to it. The mill need not be banal for that. The word banal was a word, the meaning of which was well known, and of wide application. There were in various parts of France, banal rights of various sorts--banal ovens, banal wine presses, and so forth. And the term everywhere imported the ban, prohibition, or exclusion of all rivalry within the territorial limits of the banality. It everywhere imported also the holding all of who came within its range (irrespective altogether of contract) to the obligations it imposed. No censitaire within a banality could escape from it. The latter part of this arret of 1675 regulated certain details of procedure and so forth, as regarded those obligations. But it could not, and did not import the freedom of any person bound by a deed of concession,--that is to say, of any censitaire or holder of land under such a deed,--from such obligations. On the contrary, its very letter imports precisely the reverse.

Now, the clause of this Bill which I read last, this thirtieth section, does not indeed in terms profess to abrogate this right, of exclusion of other millers from a seignior. But--and more especially as read in connexion with the preceding section--it tacitly imports such abrogation. By the twenty-ninth Section, the Seignior's water-powers are declared to belong to the censitaire, and all agreements by the censitaire to the effect that he will not build mills on his land, are declared null. By this thirtieth Section, the right of banality is spoken of as though it were a mere right "to require the censitaire to carry his grain to the banal mill." Such enactment and recital once passed, it is clear that any one could build any sort of mill in any seignior; that this part of the existing right of banality would be lost to the Seignior.

And it is obvious to remark, that this is really the only part of his right worth keeping. It is that, through which alone he can practically be said to have any right at all. In former days, Seigniors used to sue censitaires, to oblige them to grind at their mills, or pay the toll of what they ground elsewhere. But those times are past. It is worth no man's while so to sue now. And, no man does so sue. The Seignior's only hold is through his ownership or reservations of water-powers, and his right at law to stop rival millers from competing with him. This, it is now proposed most effectually to take from him. It requires to be paid for, before it is so taken.

This clause goes even further. It would give the censitaire the legal right to evade the grinding of any of his grain at the so called banal mill; for he would only have to sell his own grain and buy other, or even to exchange it away; and he could then say, the grain you claim to grind, is no grain grown here for my family,--what I raised here was not so intended, and I have parted with it,--this that I am using, I got elsewhere. The evasion is of small practical moment; because such suits are never likely to occur. But it shows the spirit and tendency of the Bill,--that, besides giving every one the right to build rival mills to mine, it should thus go on to give every one the power of evading the nominal obligation which it professes to leave in force, to

give my mill a certain measure of preference.

I repeat; I am in no wise contending for the maintenance of banality in any shape. I might, of course, say with truth, that the banal mills of Lower Canada grind at a considerably lower rate than obtains any where in the country, beyond the limits of the Seigniories; and that they do their work well, to the satisfaction of those who use them. Indeed, the Seigniors can be compelled at law to keep them in good order; are under stringent legal liability in respect of rate of toll, and quality of grinding. But I have nothing here to do with all this. I am defending no part of the existing system. I only insist, that its pecuniary advantages to my clients, are not to be taken from them piece-meal and by indirection, leaving them to prove their past existence and value, and beg for tardy, inadequate, uncertain compensation afterwards.

I have not quite done, however, with this matter of banality. The Bill contains two more Sections, the Thirty-first and Thirty-second; which I must read, lest I should be thought to paraphrase or represent them otherwise than as they are:--

"XXXI. Every Seignior having more than one hundred censitaires holding lands in his censive, and who, after the expiration of two years from the passing of this Act, shall not have constructed at least one banal mill for the grinding of the grain in his Seignior, and every Seignior who, after the expiration of two years from the period in which there shall be more than one hundred censitaires holding and settled upon lands in his censive, shall not have constructed such mill, shall, as well as his heirs and representatives for ever, forfeit [*sic*] his right of banality in such Seignior; and it shall be lawful for any person to construct one or more mills for the grinding of grain in the said Seignior, and to grind or cause to be ground in any such mill all grain brought thereto, without being liable to be disturbed by the Seignior as such, in the enjoyment of the said rights; but no such person shall be entitled to exercise the [58] right of banality in respect to any mill so constructed.

"XXXII. And whenever a banal mill shall not be in proper order, or shall be insufficient for the grinding of grain belonging to the censitaires of the Seignior, or of the part of the Seignior in which it is situate, any censitaire settled upon any land in such Seignior shall be entitled to sue the Seignior of such Seignior before the Superior Court sitting in the District in which such mill is situate, for the purpose of obliging him to repair such mill, or to place it in such a state as will make it sufficient for the wants of the censitaires; and it shall be lawful for the said Court, to proceed and give such judgment in every such action, as to law and justice shall appertain."

The right of banality has been cut down to a shadow; made valueless to the Seignior. His water-powers are taken from him. Every one may build mills to compete with his. No one need prefer his mills to any others. But they are still ironically called banal mills. And enactments of regulation are proposed as to such mills hereafter to be built; as though it were possible any should be. And further enactment is proposed, to make it clear that the Seignior's obligations as to his existing mills are in no wise to be abated. Banal in nothing but name, for any use he is to have from them, his mills are to be every whit as banal as they ever were, for all purposes of annoyance to him by any censitaire. With no hold left to him upon his censitaires, every one of them is to have firm hold on him.¹⁹

Again I say, all this is of a style of legislation that cannot be.

We arrive at the fourth part of the Bill; that which treats of honorary rights, pre-emption, (retrait,) rents and hypothecary privileges; extending from the Thirty-third to the Forty-second Sections, both included.

On the Thirty-third Section, which proposes to abolish all honorific rights of Seigniors, I need make no comment. My clients will be happy if,

abandoning them--such as they are--they can but secure the common immunities, as regards property and personal rights, of all others their fellow subjects. They ask only, in all respects to have the same measure of right dealt forth to Censitaire and Seigneur equally.

The Thirty-fourth Section is as follows:

"XXXIV. The right of conventional pre-emption (retrait conventionnel) shall not be exercised in respect of any immoveable property sold under a writ of execution, (par décret,) or other judicial authority, and it shall not be exercised in the case of any such immoveable property being sold in any other manner than by judicial authority, unless the Seigneur prove[s] that the said sale is tainted with fraud."

To part of this clause I have no objection to offer. That property be not subject to retrait, when publicly sold under process of law, is an enactment, which my clients would not be disposed to complain. The remainder of the clause, however, they do complain of, strongly.

To make the whole matter clear to Members of this Honorable House, not conversant with Lower Canadian law, I ought, however, to go into some explanation of what this retrait is. By the Custom of Paris, when land has been granted à cens it is held subject to payment of a rent--the rent stipulated in the deed--which rent, or at least that part of it designated as the cens properly so called, carries with it lods et ventes; or in other words, entitles the Seigneur to a fine of one-twelfth of the purchase money, whenever the land shall be alienated by sale or other contract equivalent to sale. The same kind of due accrues to the Superior Lord, or Seigneur Dominant, upon land by him granted en fief; but the fine in that case is much higher. Land granted en fief is charged with no annual feudal due payable to the grantor; and for that reason among others, is more heavily burthened as regards casual dues. The mutation fine on its sale, is fixed by the same Custom, at the Quint, or fifth part of the price.

Historically, no doubt, both these fines had their origin in that uncertainty of tenure which (as I have observed) once characterised both kinds of grants. The holder had no right to alienate, without his Lord's leave, the Lord--owner still of the land granted--being entitled to insist on having no Vassal or Censitaire on his land, whom he might not trust or like. In process of time, as the practice of allowing such alienation grew into a right, payment came to be settled by usage, as the price of the Lord's consent. Partly as a remnant of this old right of preventing alienation, and partly as a means of preventing fraud as to the amount of the mutation fine, the Custom of Paris gave the Lord, the right, upon the sale of a fief held from him, either to come in for the quint or to say, I am not satisfied as to this sale, and decline to take this buyer for my vassal; instead of accepting the quint offered me, I take back the fief; here is the amount of what you call the purchase money, with that of your reasonable expenses; and now, the fief is mine. This retrait féodal was of common right throughout France. And many of the Customs gave the Seigneur the same right, in reference to land held of him à cens, so that when the censitaire sold it, the Seigneur might in just the same way exercise what was called the retrait roturier [sic]. The Custom of Paris, however, did not give the Seigneur this latter right, as a thing of course; but it did not at all prevent him from stipulating it in his grants made en censive. Whenever he did so stipulate, he enjoyed the right. And such stipulation was of course common enough.

The obvious value of the stipulation, as a protection against fraud,--more especially where, as was the case in Canada, lands were commonly granted low, and Seigniors looked for their future wealth mainly to the proceeds of their banality and lods to accrue thereafter as the land should acquire value,--made the stipulation here, from the earliest period, an almost universal usage.

And such it has continued ever since.

The right so stipulated is commonly termed, as in this section of the Bill, that of the "retrait conventionnel," or retrait stipulated by contract. And it is, precisely what this designation imports.

Now, this Section first proposes to enact, that when land en censive is sold under judicial authority, this stipulated right shall not be exercised. The contracts establishing it make no such exception. But at the same time, as the publicity of judicial sales must always enable the Seignior to guard against fraud by bidding at the sale, the right of retrait afterwards, is not one that he ought, [59] on equitable grounds, to have. And I know of no Seignior who would care to object to its being done away with, in that case.

But the Section goes much further. It would enact, that though it is matter of binding contract that this right is mine, I am not to have it, to any practical use whatever. I am not to exercise it, unless I prove the sale fraudulent. Why, if I can prove fraud, I can of course at law have my lods et ventes, from the buyer, calculated on the value of the land--its true price. Nine times out of ten, it would better suit me to have that payment, than to buy in the land. Besides, the end for which I made the contract, was to guard against fraud that I might feel sure enough of, but could not prove. Nine times out of ten, I should very likely fail to prove the fraud; however sure I might be that the price stated was a fraud upon me. This retrait is the only reliable protection I can have. I stipulated it, lawfully. It is my legal right.--Why is it to be taken away?

Is it said, that like others of my rights of property, it is a kind of right, which had better not be? Take it, then; but indemnify me first, for its loss. I have no right to object, I do not object, to any changing of the law for the public good; but I protest against such changes involving me in ruin.

The thirty-fifth Section carries the power of repudiation of contracts as regards this matter, further still. It reads:--

"XXXV. Any sum of money, or other valuable thing, which, after the passing of this Act, shall be paid or given to any Seignior, either directly or indirectly, to induce him to refrain from exercising the right of retrait in the case of any sale or mutation effected within his censive, shall be recoverable, with costs, by action before any Court of competent jurisdiction."

Conscious [sic] of fraud, fearful of my suit--whether for full lods et rentes [sic], or for the exercise of my retrait--the parties indemnify me. I am satisfied; so too are they. But this bill is not. It puts into their power to recover back from me the payment they have made, with costs.

I must sue; must risk loss of costs, and more, in an action to prove fraud. If I do not; if I let the party pay me, without the cost and discredit to himself, of such suit; I give him the power to mulct me in costs for my folly, in a suit to get back his money.

I find it hard to think of such a clause, as part of a seriously proposed enactment. Its irony is too cutting.

The next following sections, the thirty-sixth and thirty-seventh, are clauses of extreme importance; and again, extremely open to objection, as injuriously affecting my clients' vested interests. They read as follows:--

"XXXVI. No censitaire or occupier of land in any Seigniorly conceded before the passing of this Act, except building lots in a Town or Village, shall be required to pay as an annual seigniorial rent, to fall due hereafter, any sum of money or other value exceeding the sum of two pence currency for each superficial arpent of the land occupied by him à titre de cens: notwithstanding any stipulation to the contrary made by himself or by his predecessors.

"XXXVII. All seigniorial dues payable annually in personal labour (corvées),

grain or otherwise than in money, shall hereafter be paid in money, at the price at which the same shall be worth at the time the said rents shall fall due, and shall be reduced to two pence currency for each superficial arpent of the land upon which the same shall be charged, in the same manner as rents payable in money."

By a former clause, the fifth,--as I have shown,--it is proposed to fix a blank price as that at which I must part with my lands not as yet conceded. That, at all events, though affecting my vested rights, was in show a project of prospective legislation. It purported to tell me the terms on which I was to be allowed, or rather forced for the future to deal with what I claim to hold as my own. But here are clauses referring to land that I have parted with upon terms long ago established, by contracts then freely made under legal sanction. Those who then so dealt with me took such land, engaging to pay me a yearly rent of four pence, sixpence or perhaps a shilling, per arpent; perhaps they agreed with me to pay in wheat, for the express purpose that the rent, being made payable in a kind of food, the chief support of human life, should never thereafter materially change in value. It is now proposed, by law to tell me, that though such was our contract I shall not have the benefit of it. I am not to get more than two pence currency payable in money, per arpent, yearly from this day forever. And on what pretence? Under the French régime, it is said, few rents exceeded in amount, what was then the money value of a single penny currency, per arpent; though in fact some, by the way, did. Well, however that may have been as matter of fact, I have at least shown that there never was a maximum rate, fixed by law beyond which it was illegal to stipulate. I have, even shown, on the contrary, that in very truth as a general rule, every man in those days, as regarded these stipulations, did just what was right in his own eyes; that there were about as many different kinds of bargains made, as there were differences of disposition on the part of those who made them. Since those times, land has become much more valuable; some Seigniories were not granted till after the cession; a good many were granted a very short time only, before it. There are Seigniories, little or no part of which, under what I may call the police regulations of the French Government, was [sic] suffered to be subgranted before the cession. Many at that time had hardly a settler on them. Since then, what has been the course of the Government and Legislature and Courts of Law, that Parliament should now be called upon to reduce the rates at which I or my predecessors may have granted any portions of our property? If in old time, the control of the Intendant would at all events have tended to keep down our rates, it at least tended to force men to take more of our land than they otherwise would have done; and so would have helped off our land sooner, and made it sooner valuable to us. If granted years ago at lower rates, we should ever since have been in receipt of revenue from it, casual as well as fixed. As the case has been, from the date of the cession, enormous and most improvident grants of land in free and common soccage have been constantly going on. Great difficulties--not precisely legal difficulties, to be sure [60] but still real difficulties--have been thrown and kept in the way of extending settlement in the rear of all seigniorial country. The emigrant population from the old world were drawn by a variety of considerations to the free and common soccage lands of their countrymen. The French Canadian population would not push back into the forest, without their churches and curés. Instead of being driven back, as of old, they were kept under special attraction, in their front settlements, by the singularly unwise policy which long discouraged and retarded the establishment of new parishes, the building of churches, the orderly settlement of the clergy of their faith in the rear²⁰ of what was professedly the land reserved for their especial settlement. In the meantime, while much of my land has thus lain unproductive, the value of

money has been falling, and the value of land rising. My predecessors and myself, left free to make our bargains with whom we would, and as we would, have contracted with others equhilly [sic] free, und [sic] on terms contravening no law whatsoever, past or present. By what show of right are such past contracts to be touched?

If touched at all, on what show of reason, are they to be cut down to the measure of this two-pence currency per arpent? If the two sols said to have been seldom exceeded a century ago, cannot now be maintained as a maximum for contracts of yesterday, the process of doubling such two sols does not give us an amount, according to the values of these days at all equivalent to the two sols of the year 1730.²¹

Besides, with what pretence of right, fix a maximum in money, at all? Because no one knows what may be the real value of twopence currency, a few yaars [sic] hence? Because the value of money is just now changing more than anything else whatsoever? A bushel of wheat will go as far to sustain human life, fifty or sixty hence, as now. But two-pence currency in money! Who knows what that may be worth,--even a few years hence? When men have freely bargained for payment in kind, of set purpose to avoid this risk, what pretext can there be for applying to their conventions that very money-rule, which they had a right not to adopt, and deliberately did not adopt, as the rule of their transaction?

True, the change is one to cause heavy further loss to my clients. But is that reason enough?

The thirty-eight[h] and thirty-ninth Sections propose to enact as follows:--

"XXXVIII. No sale under writ of execution (par décret) shall have the effect of liberating any immoveable property held à titre de cens, and so sold, from any of the rights, charges, conditions or reservations established in respect of such immoveable property in favor of the Seignior, but every such immoveable property shall be considered as having been sold, subject to all such rights, charges, conditions or reservations, except in so far as they may exceed those allowed by the Section ____ of this Act, without its being necessary for the Seignior to make an opposition for the said purpose before the sale.

"XXXIX. If, notwithstanding the provisions of this Act, any opposition à fin de charge be made hereafter for the preservation of any of the rights, charges, conditions or reservations mentioned in the next preceding Section of this Act, such opposition shall not have the effect of staying the sale, and the opposant shall not be entitled to any costs thereon, but it shall be returned into Court by the Sheriff after the sale, to be dealt with as to justice may appertain."

Upon these clauses, in so far as they merely tend to obviate the necessity of putting in oppositions in order to the saving of Seigniorial charges upon land en censive sold by the Sheriff, I have nothing to say. In connexion with the forty-first Section, I shall presently have occasion to speak of the limitation which this clause hints at, as intended to be wrought, in respect of the charges to be allowed on such land.

The fortieth Section reads:--

"XL. The privileges and preferences granted by law to Seigniors, to secure to them the payment of the Seigniorial rights which shall hereafter become due, shall only be exercised for arrears which shall have fallen due during the 5 years next preceding the exercise of such privileges and preferences."

At present, they can be exercised for 30 years' arrears. And it may be hard to assign a good reason for proposing this piece of exceptional legislation; unless, indeed, it be such reason that it tends to the disadvantage of the Seignior. There is even a dash of the ex post facto in it,²² as in so

many others of the clauses I have had to notice.--Secure in the existing law, Seigniors have refrained from suing; well knowing that at any time within the 30 years, the arrears due to them would be recoverable as a debt having a certain known priority of claim. But they are to find out their error. Whatever amount of such arrears they may have allowed to run, beyond the term of the last 5 years, they are not to be suffered to recover, as such privileged claim.

Raudot, in 1707, suggested a new short term of prescription, against everybody. This proposal is against the Seignior only. And yet, one would be tempted to think that he is hardly the man to be so selected; since his accruing dues fall in yearly, in such small amounts as to make it no slight hardship that he should have to collect them even for the time to come, (to say nothing of his vested right for the past) within the 5 years, on pain of risking their loss. It forms part of the plan, too, we must remember, to cut them down, in those cases where otherwise their amount might make them worth that sharp collection which this section would enjoin. Straws show the wind. In great matters and in small, it is not the Seignior who is to gain.

The next Section, the forty-first, is in these terms:--

"XLI. All stipulations in any deed of concession, new title deed or recognizance (titre-nouvel ou recognitif) made before the passing of this Act, in so far as such stipulations tend to establish in favor of the Seignior upon any land conceded à titre de cens, with the exception of land conceded as a town or village lot, any rights, charges, conditions, or reservations other than or exceeding the following, are with respect to such excess or difference hereby declared null and void, namely:

"1.--The obligation to keep house and home on the land conceded.

"2.--That of surveying and bounding the land [61] conceded, at the expense of the cessionnaire [sic].

"3.--That of paying an annual rent (redevance) which shall not in any case exceed the sum of two-pence currency for each superficial arpent of the land conceded, and which, in any seigniorly wherein the customary rents are below the said rate, shall not exceed the highest annual rent stipulated or payable in the said seigniorly.

"4.--That of exhibiting deeds of acquisition, executing new title deeds, (titres-nouveaux) and paying mutation fines (lods et ventes) according to law.

"5.--That of grinding at the Banal mill the grain grown on the conceded land, and intended for the use of the family or families occupying the same.

"6.--The right of the Seignior to take back (retraite [sic]) the land conceded, in all cases of fraudulent sale, or mutations made with a view to defraud such Seignior, or in such manner as to deprive him of the whole or of part of the lods et ventes, or other just rights.

"7.--The right of the Seignior to take in, any part of his censive, and as often as the case may happen, a parcel of land for the construction of a Banal mill and its dependencies, not exceeding six superficial arpents, on payment by him to the proprietor, of the value of the land and expenses."

Ex post facto legislation again. In I know not how many thousands of deeds, are contained no one knows how many clauses in favor of Seigniors, freely agreed to, at all dates through the last two centuries. There are clauses too, of course, not always alike, in favor of the censitaire. None of these latter are to be touched. But as to the former, though it is most certain that they are not clauses repudiated by the law as it stands, law is to be manufactured to sweep them all away, saving only the seven I have read. Did I say, saving such seven? Saving even them--how?

Why, as to obligation to keep hearth and home, we have seen that this Bill propose[s] to declare that it shall be held to import no more than the duty of reserving the land for firewood.

That of surveying the land, being no great matter, is left to its natural

meaning.

That of paying rent, at a rate often less than the deed promises, is curiously stated. The grantee is to remain under our obligation to pay a rent, never to exceed one tatal [sic] two-pence currency of money; but in any Seignior's where most rates are below that figure, the payments to be made are not to exceed the highest rate known in the Seignior's! Of course they cannot. They are to be cut down everywhere to the two-pence; and sometimes, if this clause means anything at all, they are to be cut down to some lower standard. But, to what?

The exhibiting of deeds, passing of new deeds, and paying of lods, according to law, are all proper acts; but with the right of retrait practically lost, they are little likely to be too punctually performed.

As for the banality and retrait clauses, I have shown that in the shape they are to assume, they are worthless. Like most other things that might be worth the Seignior's keeping, they are to go. It may save appearances, to take them without exactly saying so; but the substance of the act is all the same.

And lastly, there is to be left the power (wherever stipulated) to take not more than 6 arpents for a new banal mill, due payment first made, of course, the supposed payee being a censitaire. A likely thing, the building of a new banal mill; after banal mills shall have been made what this Bill would make them.

Is this style of Legislation possible? It is not true, the bold assumption that the contracts thus all swept aside, are contracts that the law can disallow. They are legal; binding. If they were not, no statute would be wanted to put them out of the way. They cannot be legislated away, merely because one of the two classes of men, parties to them, is more powerful than the other.

The last clause of this part of the Bill, is the forty-second; and reads thus:--

"XLII. And whenever a Corporation shall have acquired lands en roture and shall have paid the indemnity (indemnit  ) to the Seignior, no lods et ventes shall thereafter be payable on any mutation of the same land."

I say no more of it, than this. As the law stands, if land held   cens be acquired by a Corporation, the Seignior has his right to this indemnity; and if it be afterwards sold, he has his right to lods et ventes. This clause is the taking away of one thing more,--a smaller thing than many,--but something. It is in keeping with its predecessors.

The fifth part of the Bill follows; from the forty-third to the seventy-second Sections; the portion of the bill which takes up the matter of the Commutation of the Tenure of lands held   cens.

The first Section of the Bill, it will be remembered, has proposed to repeal the Acts, under which at present Seignior and Censitaire can agree as to terms for such Commutation, and can carry into effect their agreement, whatever it may be. These Sections contain no provisions of that character. The Censitaire individually, or the censitaires of a Seignior's collectively, may be willing to make their bargain with me, and I with them. But under this Bill, no such thing may be. The terms of the transaction are all fixed for us. And how?

By the forty-third and forty-fourth Sections, we are told that any holder of land en roture may commute his tenure, on paying in the way to be designated by after clauses, the price of the redemption of his Seignior's rights,--that is to say, firstly, of the Seignior's fixed rights (whether in kind, money, labor, or otherwise) and banality,--and secondly, of his casual rights or lods et ventes.

The forty-fifth and forty-sixth Sections provide for the appointment by

Government, of three Commissioners; to be sworn before a Justice of the Peace, and paid as the Governor shall direct. It is not said, that they are to be professional men of any particular standing, or indeed professional men at all; yet we shall see presently, that they had need be lawyers of high mark; for they will have (or rather, each by himself will have) to decide knotty questions of law in abundance,--to interpret thousands upon thousands of deeds, or rather first to interpret and then alter their interpretation as this Bill directs,--to pronounce on the rights of [62] property of some hundreds of thousands of people,--and all without appeal; and afterwards, they will together have to sit as an extraordinary Court, and adjudge upon a class of causes, the most intricate and difficult, as well in respect of law as in respect of fact, that ingenuity could well devise. On the other hand, however, it might not do to say they shall be lawyers; for the Advocate is not usually eminent as an investigator of accounts and settler of values of all kinds, as we shall see these Commissioners are bound to be. They are to be sworn to perform their duty. I hope they may be able. But they had need be all but omniscient.

By the forty-seventh Section it is to be enacted that each of them is to draw up in triplicate, a tabular Schedule of all the lands in each of the Seigniories to be allotted to him,--showing the amount of the redemption money for each lot of land, and distinguishing such redemption money in every case, into three parts, that is to say, the price set on the yearly fixed charges, on the banality, and on the casual rights.

The forty-eighth Section gives some instructions, as to how these prices are to be set.

The yearly fixed charges, we are told, are to be rated at the capital represented by them at 6 per cent. And if this rule were carried out, there would on this score be nothing to complain of. But it is not. There is first to be met the case of the charges stipulated in kind; and how is this met? The Commissioner is to value the articles stipulated, according to their prices as "taken from the books of the merchants nearest to the place;" and he is to come at his average, by taking the values of each of the last 14 years, thus ascertained, then striking off the 2 highest and the 2 lowest, and lastly striking the average of the remaining 10. Then, the value of all corvées or stipulated labor, is to be turned into money by the same not very easy process. And then, the post-script follows; that the whole "shall in no case be calculated at a higher rate than two pence per annum for each superficial arpent of the land subject to such annual charges, unless the said land be a town or village lot."

Of course, after all that has preceded in the Bill, this last provision could not but follow. But it is not the less a direct reversal of the professed principle of this valuation, that the price of redemption of these charges is to be the capital sum they represent.

Besides,--not to speak of the cumbrousness of this procedure for valuing charges in kind and labor, of the impossibility of the Commissioner's ordinarily finding the evidence that he is told to take, and of its unreliable character when he may find it,--on what principle are 4 years out of the 14 to be struck off? If 14 years are to be looked up, the average from them all will be a truer average, than one drawn from any 10 of them. And in truth, on what principle of right, is an average of any number of past years to be taken at all? Because prices as a general rule have been rising; so that a money value of some years ago will be lower than the money value of to-day? Or on what principle, as I have already urged, on what principle turn all into money,--when, as we shall see, it is not cash payment or even payment within any term of time whatever, that is contemplated? Above all, why cut the result down, to a money maximum? Unless, indeed, it be that nothing short of the maximum

of wrong that can incidentally be inflicted on the Seignior, will suffice to meet the exigencies of this peculiar case?

For the setting of his value on the banality rights of the Seignior over each lot, our Commissioner is thus directed:--

"To establish the price of redemption of the right of banality, an estimate shall be made of the decrease in the annual receipts of the banal mills to arise from the suppression of the right of banality and from the inhabitants being freed therefrom; the amount of the said estimate shall represent the interest at six per cent, of the capital which shall be the price of redemption of the banality for the whole of the Seignior, and the said capital shall be apportioned among all the lands subject thereto, according to their superficial extent."

Good. But how is he to make this estimate? And when? If immediately, what will it be, but a sheer guess? Five years hence, or ten? Is the whole machine to stand still so long? And if it were; to what use? For 5 years or 10, no new mill may be built in my Seignior; and I may in that case have lost nothing. The next year, when I have been pronounced to have lost nothing, an enterprising miller steps in; and I find I have lost all.

Further,--though, perhaps, the ending part of this clause may seem to be more my censitaires' business than mine,--I cannot help asking myself, why this value of my banality thus to be guessed at for my whole Seignior, is to be "apportioned among all the lands subject thereto, according to their superficial extent?" Is it merely, that the poor censitaire who keeps hearth and home, by keeping up an intention to cut his firewood, on 90 arpents of land that he can hardly sell for its very worthlessness, may have to pay as much to ... clear it from my banality, as his neighbour is to pay to the same end, for the 90 arpents, all laid down in grain, that form part of his abundant wealth? Or, is it also, that the extent of my unconceded lands, which I am not to keep, may be made a pretext for throwing only a part of the price of my banality, on those who ought to pay it to me in full?

My casual rights are to be valued by the same sort of process as my rents in kind; that is to say, by an average of 10 years out of 14. Again, I ask why? Perhaps, because income from lods et ventes, is the most fluctuating and uncertain income possible. The revenue of the years struck out as highest or lowest may affect the average to any conceivable amount, or to none at all; just as it shall happen. For example, from the public returns of the quint revenue of the Crown, (a revenue precisely analogous to the Seignior's revenue from lods et ventes,) I find its average for 38 years ending in 1842, was £836 5s. 5½d. The maximum year's receipt during that term was £2856 17s. 5d.; the minimum £5 6s. 4d. In 1845, it was £3,470 13s. 8d.; in 1847, £2 3s. —d.; in 1851, nothing.

But, aside from the objection arising out of these fluctuations, the chances of course are, that a revenue thus valued at an average of past years, will be set below its value. In an old country, this might not be so much the case. But we have here a new country, with its fast-changing [63] values, to deal with. And there will even be the greatest differences in the working of the rule, as between different Seigniories. In many, it must work the most enormous injustice. A large part of a Seignior has been conceded within the last ten years; its revenue from lods et ventes is of the future. Another was all conceded a century and a half ago. Is this one rule to be the rule for both?

The forty-ninth and fiftieth Sections direct the Commissioner to issue certain notices before he begins his work; and give him certain powers for the conducting of his inquiry. On these Sections I make but a passing remark. His duties are not more all-comprehending than his powers. He can summon and examine any one; and enforce the production of anything. Upon refusal of any

body to appear, or "answer any lawful question," or "produce any book, paper, plan, instrument, document or thing whatsoever, which may be in his possession and which he shall have been required to bring with him or to produce," the Commissioner may arrest him and commit him to the common gaol of the District,-- but happily, not for more than one month of confinement, nor with the added pleasure of hard labor. One hopes that no Commissioner will ever want to see what ought not to be shown. For if he should, one's rights would not be too secure.

By the fifty-first section it is provided, that as soon as he has finished with each Seignior, the Commissioner is to deposit one of his triplicate Schedules with the Receiver General, and another in the office of the Superior Court in the District; keeping the third himself. And this done, he is to give notice of the fact in the Canada Gazette, and in some other newspaper of the District, or adjoining District, as the case may be. Thus deposited, the award is irrevocable. He may have made the grossest blunders or committed the most flagrant injustice; but there is no appeal. He may find out and confess that he has blundered; but even he cannot amend or revise. The triplicates may not accord; but none can be altered, so as to bring them into accord, and make it sure what the true award is. The summary judgment that is to give away my land to any person who may want it, is not to be more "final & without appeal," than is to be this Schedule, or rather, each triplicate thereof,-- signed, "that it be not changed, according to the law of the Medes and Persians, which altereth not."

Unalterable, these triplicate Schedules of my Seignior are deposited; and their deposit advertized. The fifty-second section shows the right which is thereupon to accrue to each of my censitaires, in respect of the commutation of the tenure of his land:--

"LII. It shall be lawful for the owner of any land held en roture, as soon as the Schedule for the Seignior in which such land is situate shall be completed and deposited as aforesaid, to redeem all the Seigniorial rights to which such land is subject, at the rate specified in such Schedule, by adding thereto interest calculated at the rate of one per cent. per annum on the price at which the casual rights may be redeemed, from the day of the date of the deposit of the said Schedule, as required by the ____ clause of this Act; and such redemption shall be made in some one of the modes hereafter provided, but not otherwise."

The following sections, to the 67th inclusive, are taken up with the subject of these modes of redemption. I shall not comment upon them in detail, because it is not to mere details that I have to object, but to the entire principle upon which they all rest. It is enough to say, that no time is fixed within which the redemption must take place; that every censitaire is free to commute when he pleases; or not at all, if he does not please. Till he shall please to commute, the schedule remains a dead letter, so far as he is concerned. He remains a censitaire, freed from half of his obligations, or more, as the case may be,--but in name a censitaire; and the obnoxious tenure of his land subsists. When he wants to change it, he is to go, not to me, but to the Receiver General of the Province, or such officer as the Receiver General shall name to that end; and is either to pay him the redemption money, or simply declare to him his desire to commute,--in which latter case, the redemption money becomes a constituted rent (rente constituée) or redeemable charge upon the land bearing interest till redeemed. Such constituted rent, again, whenever redeemed, is so to be by payment to the Receiver General. And all monies so paid, whenever paid, are to find ther [sic] way to me, by a process not the quickest in the world, calculated in some measure to protect my creditors, who are not to be left quite so badly off as I. If, three months after any payment, I can get the amount with the interest on it, paid

over to myself. If not,--the more probable case, by the way with most Seigniors,--my money is to lie with the Receiver General for three years, or till it amount to £500, as the case may be, and is then to be paid into Court, with interest, for my creditors and myself to fight over, as we best may.

And this is a valuing and redeeming of my rights. Not by agreement between my debtors (individually or collectively) and myself; nor by the matter of course process of an arbitration between us, if we should not agree. A man named by neither of us, is in all sorts of indirect ways to undervalue, by a slow, costly, uncertain process; and then he is to cut down his undervaluing; neither of us--not even he--can correct any error or injustice he may commit. And when all is done, I am not to have my mockery of a cash price, in cash, nor even in one sum at any time; as, were it valued ever so fairly, my right would be to have it. It is to be paid in dribblets, no one knows where, just as any one but myself may choose.

True, it is provided by the fifty-second section just read, that as each dribblet shall be paid (or promised as the case shall be) there is to be added to its amount, what is oddly called "interest calculated at the rate of one ... per cent. per annum on the price at which the casual rights may be redeemed, from the day of the date of the deposit of the said Schedule." But why one per cent? Why such one per cent, on part only of the price? Above all, why only on that part which represents my casual rights? [64] "Interest" it clearly is not; and is not meant to be. It can be taken only as a sort of recognition of the certain fact, that as years pass on, the value of money certainly will be falling, and the value of my Seigniorial rights rising. But who will say how fast either process is to go on? Most persons believe money is on the eve of a rapid and long continued fall in value. Will a rise of one per cent per annum protect me even against that? If it will, it still ought to be taken, not upon a ... part, but upon the whole of the so-called money value fixed for the redemption of my rights. But apart from all fall in the value of money, it is to be remembered that the value of all property is rising; lands becoming [sic] more extensively cleared and better cultivated,--sales more frequent,--crops to be ground at the Seigniorial mills, larger. My revenues from banality and lods et ventes must be held to be increasing revenues. In many Seigniories, they are fast increasing revenues. What is now their money value, I could afford to take now. But if I am to be paid twenty years hence, I must have what their value will be then. Adding one per cent. per annum, merely, to an undervaluing of my lods et ventes alone, is a mockery; another mockery added to the many that this Bill offers me.

And not one payment ever is to be to myself. When my land was to be taken from me, my creditors were not remembered. Against any person wanting it below its value, they are to have no rights, any more than I. But when money is to come to me, they are remembered. Against me, they are not to lose their rights. I do not ask that they should. Protect them by all means. But protect me too. It is my right--and theirs too--that my property be not dealt with after this fashion. What other class of men was it ever proposed so to treat? Ask the merchant or professional man, how he would like to have his books handed over to a stranger, all his accounts squared without appeal, and all his debtors told to settle when they pleased, with a public functionary, who should then hand over the proceeds to his creditors. Bankruptcy! No Bankrupt law that ever was, ever dealt so hardly with its victims. Protect my creditors, I repeat; by all means. But at least do not ruin me. If my rights are to be taken, take them; but secure to my creditors and myself their honest value. To do this, that value must be settled fairly, and laid before us in one sum; not every separate six and eight pence, five pounds, ten pounds, twenty pounds, of

an understated value, paid in at all sorts of intervals, just as a thousand people may chance to choose. There is no way but one, in which to take private property for the public good.

The remaining Sections of this part of the Bill, from the Fifty-eighth to the Seventy-second inclusive, are clauses which contemplate the contingency of two thirds of the censitaires of a seigniority desiring to commute upon the terms set forth by the schedule; and which enable them in that case to effect the conversion of all Seigniorial dues therein into constituted rents,--and further, if they shall so please, to act together as a corporation for the redemption of such constituted rents.

Upon these clauses I have no other remark to make, than that I regret not to find in the Bill a far more complete developement of the principle upon which they rest; as it is to that principle one must look (if we are to look at all) for any real commutation of the tenure upon the voluntary principle. They create no machinery by which the Seignior on the one hand, and his censitaires as a corporate body on the other, can agree on terms of commutation, or failing to agree can settle any difference by the ready means of arbitration. There could be no material difficulty in arranging the details of such a system, in a way to work neither inconvenience nor wrong. But these clauses as they stand, do not do this; and failing in this respect, they can hardly be said to be of any practical importance as part of the Bill. The despotic machinery for cutting down the value of my rights, remains. And it is not even likely that these clauses (limited as their scope is) will ever be thought worth acting on; so as to lessen the additional injury to be done me by the piecemeal mode of settling for them as so cut down, which is established as the rule of procedure under this Bill.

I have done, then, with this portion of the Bill, and pass to the next or sixth part, extending from the seventy-third to the eighty-fifth sections inclusive; and which treats of the proposed indemnity to Seigniors.

The recital of the seventy-third section commences thus:--

"LXXIII. And whereas some of the powers formerly vested in the Governor and Intendant of New France, under the laws promulgated by the Kings of France, for the purpose of restraining all undue pretensions on the part of Seigniors, have not been exercised since the said cession of the country; and whereas differences of opinion have existed in Lower Canada, and conflicting decisions have been pronounced by the tribunals established since that time in reference to the character and extent of various Seigniorial rights;"

An unfair recital. If powers adverse to Seigniors have remained unexercised since the cession to what has it been owing, but to the fact that the law of the land has not provided for, or allowed their exercise? And have no other powers, far more vexatious, adverse to censitaires, remained unexercised? Are they alluded to? Or proposal made for their revival? And "conflicting decisions" of the tribunals of Lower Canada? As to what points; in what causes; when? I will not here undertake to say, that there have been none. But I do say, that I never heard any cited, or their existence asserted by any one. Why, as I have said, the notorious complaint has been, that the Courts of Lower Canada have decided always for the Seignior. "Differences of opinion" I well know there have been; a difference of opinion between a large class of persons not judges on the one hand, and the tribunals on the other. But for the Courts! If anything in this world can be certain, it is that this large clase [sic] of whom I speak, have for years steadily assailed them for the uniformly Seigniorial tenor of their decisions. If anything can be new it is this assertion that their decisions, the meanwhile, have been conflicting.

But I proceed with this recital:--

"And whereas while it is the duty of the Legislature to restore to persons continuing [65] to hold lands en roture, (in so far as present circumstances

will permit,) the rights and immunities secured to them by law as interpreted and administered at the last mentioned period, it is at the same time just that Seigniors who have enjoyed lucrative privileges, of which they will in future be deprived by this Act, notwithstanding the enjoyment of such privileges may have been sanctioned by the said tribunals since they ceased to exercise the aforesaid powers, should be indemnified for the losses they will suffer from the manner in which the rights to be hereafter exercised by Seigniors are defined by this Act. Be it therefore enacted,--That it shall be lawful for any Seignior to lay before the said Commissioners, a statement in detail of the amount of loss sustained or thereafter to be sustained by him, by reason of his having been curtailed, limited or restrained by this Act, in the exercise of any lucrative privilege, or in the receipt of any rents or profits which as such Seignior he would have been entitled to exercise or receive before the passing of this Act."

When the Seignior's land is wanted by any person, we have seen how, summarily and without appeal, one Judge is to take it from him.--When his contract with his censitaire is to be enforced, we have seen how formally and deliberately and subject to appeal, a Court of three Judges is not to enforce it. When his rights are to be first undervalued, and then cut down below such undervaluing, we have seen how, again summarily and without appeal, one Commissioner is to do all that that case requires. We have now to see how, after loss suffered by the Seignior from these processes, loss amounting (it well may be) to ruin, he is to proceed, hopefully if he can, formally and subject to appeal at all events, with his after prayer for some measure of Indemnity for his loss.

He is to begin, by laying before the three Commissioners--not before one--his precise "statement in detail of the amount of loss sustained or thereafter to be sustained by him, by reason of his having been curtailed, limited or restrained by this Act, in the exercise of any lucrative privilege, or in the receipt of any rents or profits which as such Seignior he would have been entitled to exercise or receive before the passing of this Act." All I can say, is, that any Seignior who shall sit down to make his statement for himself, will find it pretty hard; and any one who shall get it done for him, will find it pretty costly. A statement in detail, of all his losses by this Bill? Why, the best lawyer, and the best accountant and man of figures, in the country, together, could not draw it as it had need be drawn.--And all would depend on a detail of facts, which if denied, no man could prove. It would be the procedure the most difficult and sure to fail, that could be; worse, if possible, than the suing of five hundred censitaires together, for failure to keep hearth and home on land, by reserving it for cutting firewood.

Well; by the following Sections it is set forth, that my "statement or petition," when ready, is to be fyled "in duplicate" with the Commissioners; who, after handing the duplicate of it to the Secretary of the Province, are to meet and take the matter into consideration, first giving notice by advertisement, of the when and where. Whenever the interests of the Crown may require it, the Attorney General or other Counsel duly authorized, is to represent Her Majesty, and oppose the prayer of the petition. And, as the interest of the Crown will require this in all cases,--the indemnity coming out of a public fund,--it will of course always be the duty of the Attorney General or his deputy, to oppose and sift the statements (of law and fact) of every petitioner.

The Commissioners--not necessarily professional men--are to sit as Judges; and, after hearing the petitioner "in person or by attorney," and the Crown by the Attorney General or otherwise, are to render their judgment in writing. And by the Seventy-eighth Section, it is specially provided that "every such judgment shall contain the grounds thereof." No easy matter. Petition in

detail; judgment in detail; reasons in detail. The Commissioners may find their job as hard as the Seignior will have previously found his. It is the Seignior's remedy that is in question. Delay and difficulty are no matter.

Certainly not. By the Seventy-ninth Section, he is to have the right of appeal--as also is the Crown--to the Queen's Bench; and thence, to the Privy Council, whenever (as must commonly be the case) the demand shall amount to £500 Sterling.--Such appeal, upon such matter, may be slow and costly. Still no matter.

The next clause, the Eightieth, carries us one step further; and had need be read carefully, for its tenor to be seized, or credited:--

"LXXX. The said Commissioners, and the Courts which shall hear any such petition in appeal, shall reject every demand for indemnity based on the privilege granted by this Act, to persons possessing lands en roture to free them from that tenure by the redemption of the dues with which they are charged, and shall establish the amount of indemnity due to the petitioner, only upon the difference existing between the manner in which the rights hereafter to be exercised by the Seignior are defined by this Act, and that by which the rights they exercised before the passing of this Act would have been interpreted if this Act had not been passed."

The question is not then to be, how much the petitioner has lost. No loss to result from the piece-meal and round-about way in which his rights are to be (as the phrase is) redeemed,--no loss from any under-valuing or cutting down of them, in the redemption schedules,--no loss, even from any quantity of sheer mistake that a Commissioner may have made in such Schedules,--is not to count. The measure of his loss is to be the difference between two unknown quantities,--between "the manner in which his rights hereafter to be exercised are defined by this Bill, and that in which his rights as now exercised would have been interpreted but for this Bill." Ascertained, such difference would not compensate him. But how ascertain it? How state it in his petition? How prove it before the Commissioners? How get it written, and the grounds of it set forth in their judgment? How attack or defend it in appeal? This Bill purports to call it doubtful, how his rights as now exercised should or would be interpreted at law. Suppose the Commissioners to hold²³ the recitals of this Bill; to define these rights [66] as now exercised, so as on legal grounds to give him nothing, let him prove as matter of fact what he may. If they will, they can. And the Crown is to be by,--party to the suit, to require them (so far as may be) so to do.

The Eighty-first Section takes the next step, thus:--

"LXXXI. Every judge who shall have presented a petition for indemnity [*sic*] in his own behalf, in virtue of this Act, shall be liable to recusation in every case in appeal from the judgment rendered by the said Commissioners upon any such petition; and every judge who shall have sat in appeal from any one of such judgments, shall be deemed to have renounced all right to present any such petition in his own behalf."

Was ever law heard of, or proposed, that a landlord judge might not sit in a cause between landlord and tenant; or a proprietor judge, in a case against a squatter; or a judge that had taken or given or endorsed a promissory note, in a case involving promissory note law? By this Bill, the censitaire, Judge of any Court, is to take away the Seignior's land; the censitaire Commissioner, Judge of no Court at all, is to cut down the Seignior's rights; all without recusation or appeal. But the Chief Justice or Judge of the Queen's Bench, the highest tribunal in the land if he be a Seignior injured by this Bill, is not to sit--though with other judges, and subject to appeal to the Privy Council--upon any Seignior's claim of right against like injury. The Judge of the highest grade, whose character may not suffer but with that of

his Country, is to have a stigma cast upon him, such as the old French law--all unworthily suspicious as it is of judges--never put upon the pettiest magistrate. Any man but such Judge, is to be trusted, as though wrong or error to be wrought by him were the thing that could not be.

The eighty-second and eighty-third sections of the Bill take care, that if a Seignior shall make good a claim, its amount shall not be paid, till his Creditors shall have had their opportunity of making good their claims upon it.

And, fittingly to conclude this part of the Bill, the eighty-fourth and eighty-fifth sections read:--

"LXXXIV. And be it enacted, That the endowments and disbursements of the Commissioners who shall be named under this Act, the expenses to be incurred, and the amount of indemnity which shall become due under the authority of this Act, shall not be paid out of the consolidated Revenue Fund of the Province; but it shall be lawful for the Governor to raise by loan, on debentures to be issued for that purpose, the interest of which shall be payable annually, and the principal at such time as the Governor shall deem most advantageous for the public interest, out of the Special Fund, hereinafter mentioned, such sum as may be required for the payment of the said emoluments, disbursements, expenses and indemnity.

"LXXXV. The said [sic] Special Fund, shall be designated as the 'Seigniorial [sic] Fund,' and shall consist of:

"1st.--All monies arising from Quint, Relief and other dues which shall become payable to the Crown in all the Seigniories of which the crown is the Seignior dominant, as well as all arrears of such dues.

"2nd.--The Revenue of the Seignior of Lauzon and the proceeds of the sale of any part of the said Seignior that may be hereafter made.

"3rd.--All monies arising from auction duties and auctioneers' licenses in Lower Canada."

I have, then, at last got something awarded. Appeal or no appeal--at whatever cost, and after whatever delay--the award is final. No creditor, even, contests my right to take it. But the credit of the Province is not pledged that I shall have it. It is "not" to come--so reads the Bill-- it is not to come out of the Consolidated Fund. If the Special Fund here designated, suffice to pay it, after paying all Commissioners' salaries and schedule-making and other disbursements whatsoever,--no small sum,--I am to be paid. If not, I am not to be paid.²⁴ In the best case supposable, my award is not to cover all my loss; I am to get it in no hurry; and no clause gives me a hope of getting, along with it, any award of costs on my petition, or on any unsuccessful contestation of it, or on any appeal or appeals, that I may have suffered from. In the worst case, I have lost the whole; money, time, costs, together.

As to the sufficiency of the proposed Fund, one is bound to presume that it is intended to be ample. But if so, why not at once give the guarantee of the Consolidated Fund? As that is not to be done, one must feel an uncomfortable misgiving that when the Commissioners are paid, and all the rest of the expenses are paid, there may not be enough to discharge the awards of indemnity; that is to say, indeed unless--as well enough may be the case--there be next to none made, at all.--The designated sources of revenue are, besides, not remarkable for productiveness and security. Relief is never exacted by the Crown; and it is hard to say why it is named here as a source of revenue. Quint can accrue no more, after this Bill should have become law; for no man can be fool enough under such a law to buy a Seignior. The Seignior of Lauzon is property yielding but a very moderate revenue. And auction duties and auctioneers' licenses in Lower Canada, yield no large sum; to say nothing of questions that may arise, as to the permanent maintenance of that form of tax, at its present rate of productiveness.

The last part of the Bill remains; the concluding Sections, headed as Interpretation clauses.

The first of these--the Eighty-sixth of the Bill--is this:--

"LXXXVI. And, for the interpretation of this Act--Be it enacted, That nothing in this Act contained shall extend or apply to any Seigniority held of the Crown, nor to any Seigniority of the late Order of Jesuits, nor to any Seigniority held by the Ecclesiastics of the Seminary of St. Sulpice, nor to either of the Fiefs Nazareth, Saint Augustin and Saint Joseph, in the City and County of Montreal, nor to any of the lands held en roture in any of the said Fiefs and Seigniorities."

Against so much of this clause as relates to the Seigniorities of the Seminary of Montreal, and the Fiefs Nazareth, St. Augustin and St. Joseph, I have not a word to say. They are regulated by express legislative enactment; and (as I have already said) it is well that at least that one enactment should be respected. It is respected, precisely as the whole body of law by which the [67] property of all my clients is assured to them, ought also to ... be respected.

But there is a further exception here made, which I cannot admit. By what right is it proposed to save from the operation of this Bill, the Seigniorities held by the Crown, whether as part of the domain, or as having belonged to the late order of Jesuits, or--as the Seigniority of Lauzon is--by purchase. These Seigniorities contain ungranted lands, lands granted at higher rates than two-pence and under reserves of all kinds, water-powers, banal mills,--everything this Bill proposes to meddle with. Surely, if any censitaires can be favored as to such matters, theirs can. If the Province can give any rights away, it might give its own. This Bill, however, provides otherwise. The Province is to guard its own rights jealously; to be liberal, at the expense of every rule of right, with mine.

The Eighty-seventh Section purports to save from the operation of this Bill, arrears accrued, and past payments, and leases of mills or water powers, and lands conceded after cultivation, improvement or reacquisition by the Seigneur, or dismemberment from his reserved domain. So far, so good. But upon what principle? Unless, that such arrears are legally due; that such payments were made in discharge of legal debts; that such leases and grants are valid in a word, that my contracts--one and all--are not contrary to law nor null? If so, on what principle can they be dealt with, as this Bill would deal with them? If they are not contrary to law nor null, why are they not let alone? Either they are legal, and as such sacred; or they are illegal, and as such worthless. They are my right as they stand; or they are not my right at all. Once cut down for the future, they cannot be made safe to me for the past. The first blow struck, I cannot be secure from blows to follow.

The Eighty-eighth section defines, among other words, the word "Seigniority;" and so defines it as to conclude within it, every kind of Seigniority, however held,--the Sherrington Seigniorities given with the unlimited powers, and under the circumstances I have alluded to, the Seigniorities of Mount Murray and Murray Bay, given by the British Crown to subjects who had shed their blood in its service; the Seigniorities granted in franc aleu, or otherwise on terms all but importing sovereignty as well as property, by or for the French Crown. The grantor, and the terms of the grants, are to import nothing. In this at least, the bill is to be consistent. No Seigneur is or can be a proprietor; or shall be so treated. Our property--the property of every one of us--is to be denied to us; our contracts are to avail against us, but not for us; our whole civil status is to be changed; we are to be dealt with, just as it suits the interests of the more powerful class of the community to deal with us; mocked with the offer of a future indemnity, that shall be no indemnity,--which, however it may keep its present word of promise to the ear, shall break

it hereafter to the hope.

The Eighty-ninth Section, the last I notice, fittingly adds--as I have observed already--that, for the ends of this Bill the words "wild land" are not to be held as meaning wild land, but something else.

My task is nearly done. I have not willingly taken up so much of the time of this Honourable House; nor spoken more at length than I could help. But I cannot, before concluding, avoid asking once again, after this review of the clauses of this Bill, whether Legislation of the kind thereby proposed can be held to be in any sense or shape a restoration of any old law which ever at any former time regulated Seigniorial property; whether there would be any going back to the past, in the enactment of a new law, containing such provisions as this Bill contains; whether any such project of law ought to be enacted, or indeed can so much as be discussed, as being likely to become law,--unless with the most disastrous consequences. It cannot be, that such a measure should be the last project of its kind. Were it passed to-morrow--as it cannot be,--its effect would only be to maintain in morbid existence the very Tenure which it purports to intend to sweep away. It would have declared much, and implied more; would have unsettled everything; established nothing. The legislative word would have gone forth, that my clients are not proprietors; that their rights are nothing but what the Legislature may see fit to make them. We should be sure to be told, that what this Bill may leave us is no more ours, than what it should have taken from us. We must defend ourselves, as well against the proposal of this measure as against those that must come after it. We must set forth--here, every where--the whole strength of our case. We must declare,--for we are ruined otherwise,--however unwillingly, however we may love this our country, however anxious we may be to maintain her character and credit, we must declare,--and so declared, what we say must every where instinctively be felt to be true,--that measures such as we are threatened with, are measures, of a kind to destroy all trust in our institutions, or in the character of our people. We may save ourselves; or we may be ruined. But we cannot be ruined alone. The agitation that shall have beggared us, will have demoralised this country, and destroyed all public faith in its institutions. Public confidence is of slow growth. We have seen how slowly, as regards this country, it has grown to be what it is,--to give promise of the fruit, which it does at this day promise to the lately reviving hopes of our community. Is it so, that we are to see those hopes fail,--the tree cut down to its roots, its re-growth doubtful,--at best, to be but after long delay, yet more slowly, with less promise to others than now to ourselves?

Nothing by any possibility to be gained--and there is in fact nothing whatever that by this measure can be gained--could compensate for such loss. I know indeed that many people ignorant of the facts think of this Seigniorial Tenure, with what they call its abuses and extortions, as of a something so monstrous and oppressive, as to make it hardly any matter what means may be taken to get rid of it. With a vague impression of the horrors that accompanied the destruction of the Seigniorial system in France, and ascribing them (as is often done) to unwise delay, resistance and I know not what, they draw the inference that here in Canada, by whatever means--one need not care how--the country population must be freed from its burthens; or, before long, the whole fabric of Society will be broken up. No mistake can be greater. The Seigniorial tenure as it existed in France in 1789, was a system, to which nothing can be [68] more unlike, than that which now subsists under the same name here. The two have hardly a feature in common. There, indeed, there was extortion; an extortion dating back through long ages of oppression and wrong of every kind, to the conquest of one race by another; extortion, sometimes indeed more or less veiling itself under the form of contract, but

oftener subsisting as mere custom, the custom of a conquering tyranny; extortion, that under every variety of form, by exactions the most multiplied and oppressive,--the very names of most of which have long since lost meaning, save to the antiquary--ground down and kept in abject want and prostration the whole rural population of the land. It was swept away utterly, in a moment of madness, and with every accompaniment of crime and horror. It was not swept away, without violation of contracts and rights of property. But, may it not at least be suggested, that the sweeping away of that system, all bad as the system was, has perhaps not yielded all the fruits that were hoped for, by those who then did the wrong, of abolishing it otherwise than with a due regard to right. They sowed the wind. Did they not--do they not--reap the whirlwind? Who will say, that the French nation, so far, has cause to congratulate itself on the results of its fearful experiment of social and political destruction? But to all that state of things, I repeat, there is here nothing that can be compared. Here, everything appertaining to the system is matter of contract and law. What in France was mainly fiction, has here been fact. The obligations that subsist, are obligations resulting from bona fide grants of land; obligations, partly of free contract, partly superadded by public law upon the basis of such contract. Besides, there the rural population had for ages been kept in a state of poverty and wrong, not much more humanizing in its influence than a state of slavery would have been, and may be said to have first woke to political existence, at the very moment when it seized on all the powers of the State. Here, we have a rural population, as easy in its circumstances, as respectable for every moral quality, as respectful of law and property, as any on the face of the globe. To liken our population to that of France in 1789, is a mistake as great as a man well can make; and one as well calculated, by the way, as anything can be, to destroy our character. The matter in dispute here, what is it? A question whether lands shall continue to pay a penny, two pence, two pence half penny--possibly a shilling--an arpent, of yearly rent. The system, unless as carrying with it lods et ventes, is not one of hardship. The burthens it imposes, are not heavily felt by those on whom they fall. That, upon public grounds, it were well to put an end to it, I do not question. But it were better it remained forever, than that it should be put an end to unjustly,--at the cost of the character of the country. I say no word against the commutation of the Tenure. I desire it. My clients desire it. It can be effected, without involving them in loss. It ought, if done at all, to be so done. It must be so done.--They are not guilty trustees to be punished; but proprietors to be protected. They have the right to require that their property be protected. They have the right to except, they do most respectfully but firmly except, to the competency of this Legislature--of any Legislature--to destroy their vested rights, to give away what is theirs to others. The great Judge, whose name perhaps more than that of any other is of the history of our Common Public Law, long ago laid down the maxim, as appearing from the books, that "in many cases the common law will control Acts of Parliament, and sometimes adjudge them to be void: For when an Act of Parliament is against Common Right and Reason or repugnant or impossible to be performed, the Common Law will control it, and adjudge such Act to be void." The tradition of that maxim of that great man has never been lost; but remains yet, a maxim of the Common Public Law, by the side even of that other tradition which holds that Parliament--the Imperial Parliament--is omnipotent, may do what it will. And most surely it is not too much for me to say, that this Parliament--a Parliament not Imperial--has not, at Common Law, the right to break contracts, to take from one man what is his, to give it to another.

My clients ask--I here ask for them--no preference or privilege over any class of our countrymen. They have no wish to go back towards that past,

wherein they were judged by one tribunal, and their censitaires by another; their position then the favorable one. But they do ask, that they be not carried into a future, wherein they shall be judged by one tribunal to their ruin, and their censitaires by another to their own gain. They do ask--ask of right--that upon the Statute Book of this Province, as touching them and theirs, that only be declared which is true, that only enacted which is right. And pleading here this their cause, before this Honorable House, the Commons House of Parliament of this British country of Canada,--appealing to this country here represented,--recalling, too, the assurance but lately given as to this very matter from the Throne, and the answering pledge of the country, signified through both Houses of its Parliament,--I have too firm faith in the absolute omnipotence, here and now, of the true and right, to be able to feel a fear as to the final judgment which the country and the Crown shall pass upon it.²⁵

(584)

And then he was directed to withdraw.

MR. AT. GEN. DRUMMOND propose que la considération ultérieure de la question soit remise à demain en huit, et soit alors le premier ordre du jour²⁶ in order to permit the publication of this speech for the information of members.²⁷

COL. PRINCE rose, and said, it was absurd to postpone the debate for such an object, as to report the speech was entirely above the capacity of the reporters.²⁸

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The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Chabot, and the Question being put, That the further consideration of the Question be pos[t]poned until Tuesday the twenty-second instant, and be then the first Order of the day; the House divided:--And it was resolved in the Affirmative.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Gamble, seconded by Mr. Malloch, The House adjourned.

FOOTNOTES: 14 MARCH 1853.

1. GLOBE, 26 March 1853.
2. IBID.
3. IBID.
4. HAMILTON SPECTATOR SEMI-WEEKLY, 30 March 1853, commenting on the introduction of this Bill, asked, "What now becomes of the repeated declaration that Mr. Drummond's [Ecclesiastical and Charitable Corporations] Bill was for the incorporation of all Societies in the Province?"
5. JOURNAL DE QUEBEC, 17 March 1853.
6. Christopher Dunkin's speech of this day was noted in partially identical accounts by the following papers: HAMILTON SPECTATOR DAILY, 16 March 1853, GLOBE, 17 March 1853; HAMILTON SPECTATOR DAILY, 15 March 1853, GLOBE, 15 March 1853, NORTH AMERICAN WEEKLY, 17 March 1853, and NORTH AMERICAN WEEKLY, 31 March 1853. It was also noted by JOURNAL DE QUEBEC, 17 March 1853, and GLOBE, 26 March 1853. For a list of papers and other resources consulted and a description of editorial techniques used in the reconstruction of this speech, see 11 March 1853, note 5. A brief report of the discussion after the speech appeared in BRITISH COLONIST, 22 March 1853.
7. CANADA GAZETTE Pamphlet (p. 55) adds: "--see pages 23 and 24 of the French version of the same Volume,--"
8. French Pamphlet (p. 85): "le 3e volume, page 74 de la version française."
9. CANADA GAZETTE Pamphlet (p. 58): "and the Arrêts of Marly, with the untrue recital on the face of one of them."
10. CANADA GAZETTE Pamphlet (p. 62): "force and validity."
11. French Pamphlet (p. 103): "impopulaires en Canada."
12. French Pamphlet (p. 114): "chacun des vingt ou vingt-cinq juges."
13. Words in square brackets are two lines of type (out of order in the MORNING CHRONICLE Pamphlet) which have been returned to their place. An ellipsis in the next sentence but one indicates their location in the pamphlet.
14. French Pamphlet (p. 119): "Mais voici encore pis."
15. CANADA GAZETTE Pamphlet (p. 76): "me so."
16. French Pamphlet (p. 124): "de cent louis et peut-être de cent mille [sic] louis
17. French Pamphlet (p. 142): "dans des titres où la justice est nommément réservée au roi."
18. French Pamphlet (p. 143): "dans la seigneurie."
19. French Pamphlet (p. 148): "le seigneur se trouve exposé au mauvais vouloir de chacun d'eux."
20. CANADA GAZETTE Pamphlet (p. 95): "the rear portion."
21. CANADA GAZETTE Pamphlet (p. 95): "1712 or 1730."
22. French Pamphlet (p. 154): "Ici encore d'un trait de plume on immole le passé."
23. CANADA GAZETTE Pamphlet (p. 104): "hold for true."
24. French Pamphlet (p. 170): "si ce fonds, dis-je, renferme encore une obole, je serai payé: sinon, non."
25. GLOBE, 26 March 1853, noted that the "address to the House ... was not concluded till 11 p.m."
26. JOURNAL DE QUEBEC, 17 March 1853.
27. BRITISH COLONIST, 22 March 1853.
28. BRITISH COLONIST, 22 March 1853, which commented: "This was meant as a persiflage, and of malice [sic] prepense, to give offense. But I fancy the reporters will not notice it, except they may take his sense of taste and courtesy, to be made of a material about as delicate, as he himself says, his skin is namely, the hide of a rhinoceros."

TUESDAY, 15 MARCH 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Attorney General Richards,--The Petition of Alexander McNaughton and others, Reeves, Deputy Reeves and Councillors of the County of Halton; the Petition of Robert Miller and others, Reeves, Deputy Reeves and Councillors of the County of Halton; and the Petition of Charles Kelly and others, Reeves, and Deputy Reeves and Councillors of the County of Halton.

By Mr. Lemieux,--The Petition of William Price, Esquire, and others, of the City of Quebec.

By Mr. Fergusson,--The Petition of John Walker and others, of the Township

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of Holland, Owen Sound, County of Grey; and the Petition of Christopher Armstrong and others, of the Township of Egremont, County of Grey.

By Sir Allan N. MacNab,--The Petition of the Mayor, Aldermen, and Commonalty of the City of Hamilton.

By Mr. Solicitor General Chauveau,--The Petition of the Municipal Council of the County of Quebec.

By Mr. Wright of the West Riding of York,--The Petition of William Young and others, of the Village of Brampton, Canada West.

By Mr. Dixon,--The Petition of the Town Council of the Town of London.

By Mr. Langton,--The Petition of John Gilmour and others, owners of Park Lots in Lot No. 12 of the 13th Concession of the Township of Monaghan; the Petition of Edmond Chamberlen, of the Town of Peterborough; the Petition of the Town Council of the Town of Peterborough; and the Petition of the Municipal Council of the United Counties of Peterborough and Victoria.

By Mr. Brown,--The Petition of John W. Smith and others, of the Village of Grafton; and the Petition of the Reverend R.H. Thomson and others, of the Village of Oshawa.

By Mr. Sicotte,--The Petition of Thomas McGinn and others, Depositors and Claimants against the Montreal Provident and Savings Bank.

By Mr. Turcotte,--The Petition of the Reverend J.A. Mayrand and others, of the Parish of Ste. Ursule, County of St. Maurice; and the Petition of J.P. Trudel, Esquire, and others, of the Parish of Ste. Ursule, County of St. Maurice.

By the Honorable Mr. Robinson,--The Petition of the Reverend J. Mockridge, Rector of Warwick, in the County of Lambton.

Resolved, That the Petition of Josiah Strong and others, of the Township of Sandwich, County of Essex, be referred to a Committee of seven Members, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Ordered, That Mr. Prince, Mr. Dixon, Mr. Brown, Mr. Hartman, Mr. Christie of Wentworth, the Honorable Mr. Cameron, and Mr. Morrison, do compose the said Committee.

On¹ motion of MR. LAURIN²,

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Ordered, That the Petition of Joseph Déry, Esquire, and others, of the Parish of L'Ancienne Lorette, and all other Petitions praying that Roads be placed under the control of the Quebec Turnpike Road Trustees, be referred to the Select Committee on the subject of the Quebec Turnpike Roads.

Mr. Laurin moved, seconded by Mr. Smith of Frontenac, and the Question being put, That the Petition of John Power and others, of the Parish of L'Ancienne Lorette, and others, praying for the passing of an Act to compel the Quebec Turn-

pike Trustees to macadamize the Road leading from Hough's farm to the Trait Quarré de St. Augustin, instead of a certain other Road proposed to be made by the said Trustees, be referred to the Select Committee on the subject of the Quebec Turnpike Roads; the House divided:--And it passed in the Negative.

Ordered, That Mr. Dixon have leave to bring in a Bill to vest in John Carling and others, a certain portion of Church Street in the Town of London.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. McLachlin have leave to bring in a Bill to erect the Town of Bytown into a City.

He accordingly presented the said Bill to the House, and the same was re-

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ceived and read for the first time; and ordered to be read a second time on Monday the twenty-eighth day of March instant.

Ordered, That the Petition of John McMullen and others, Merchants, Traders, and others, of Quebec, be printed for the use of the Members of this House.

Mr. Polette, from the General Committee of Elections, laid before the House,--Minutes of the Proceedings of the General Committee of Elections, pursuant to the 41st Section of "The Election Petitions Act of 1851."

Ordered, That the said Minutes do lie upon the table.

Ordered, That the said Minutes be printed for the use of the Members of this House.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment, viz:

Bill, intituled, "An Act to amend the Act of the present Session for the relief of the Sufferers by the late Fire at Montreal:"

Bill, intituled, "An Act to provide for the construction of a general Railway Bridge over the River St. Lawrence, at or in the vicinity of the City of Montreal:" And also,

The Legislative Council have passed a Bill, intituled, "An Act to explain and amend the Act, intituled, 'An Act to make better provision for granting Licenses to Keepers of Taverns and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of Intemperance,'" to which they desire the concurrence of this House: And also,

The Legislative Council have passed a Bill, intituled, "An Act making certain provisions relative to the Counties of Perth, Brant, and Waterloo," to which they desire the concurrence of this House: And also,

The Legislative Council have passed a Bill, intituled, "An Act to incorporate the Brockville Gas Light Company," to which they desire the concurrence of this House.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act to explain and amend the Act, intituled, 'An Act to make better provision for granting Licenses to Keepers of Taverns and Dealers in Spirituous Liquors in Lower Canada, and for the more effectual repression of Intemperance,'" was read the first time.

On motion of Mr. Tessier, seconded by Mr. LeBlanc,

Ordered, That the Bill be read a second time To-morrow.

A Bill from the Legislative Council, intituled, "An Act making certain

provisions relative to the Counties of Perth, Brant, and Waterloo," was read the first time.

On motion of the Honorable Mr. Attorney General Richards, seconded by Mr. Morrison,

Ordered, That the Bill be read a second time To-morrow, and be then the first Order of the day.

A Bill from the Legislative Council, intituled, "An Act to incorporate the Brockville Gas Light Company," was read the first time.

On motion of Mr. Crawford, seconded by Mr. Shaw,

Ordered, That the Bill be read a second time on Thursday next.

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Mr. Clapham, from the Committee to consider certain Resolutions on the subject of the amendment and consolidation of the several Acts now in force relative to Emigrants and Quarantine, reported several Resolutions; which were read, as follow:

1. Resolved, That it is expedient to repeal the Acts 12 Vic. cap. 6; 13 & 14 Vic. cap. 4; 14 & 15 Vic. cap. 3; and 14 & 15 Vic. cap. 78, imposing a duty on Emigrants or Passengers coming into this Province by Sea, and making certain provisions and regulations on the subject of such Emigrants or Passengers, and the Vessels in which they come, and to amend the said provisions and regulations and consolidate them as amended into one Act.

2. Resolved, That it is expedient that the rate or duty to be paid in respect of Emigrants and other Passengers arriving in this Province by Sea from any Port in Europe, should be:--For each adult, five shillings, and for each other Emigrant or Passenger between the ages of five and fifteen years, three shillings and nine pence, if they have embarked with the sanction of the Government of the Country from which they sailed,--and seven and six pence for every Emigrant or Passenger who shall have embarked without such sanction.

3. Resolved, That it is not expedient to re-enact the provisions of the Act 13 & 14 Vic. cap. 4, authorizing the return of part of the duty, in cases where Emigrants merely pass through this Province to the United States.

4. Resolved, That it is expedient to repeal the present Quarantine Act 35 Geo. 3, cap. 5, (Lower Canada), to amend and simplify its provisions, and to empower the Governor in Council to make permanent regulations respecting Quarantine, in place of the Proclamation for the same purpose which is now issued annually by the Governor.

5. Resolved, That it is expedient that provision should be made, as heretofore, for the maintenance of an efficient Quarantine Establishment at Grosse Isle, and the employment of Officers, Medical and otherwise, for ensuring the carrying into effect of the laws and regulations made for the purpose of preventing the introduction or spread of contagious or infectious disease.

The said Resolutions, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to amend and consolidate the Laws relative to Emigrants and Quarantine.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

The House, according to Order, resolved itself into a Committee on the Bill to authorize the Municipal Council of the Town of Amherstburg [sic] to sell the site of the Old Market in that Town; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Burnham reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Burnham reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

It³ being understood that the Government intended proceeding at once with the amendments to the Representation Bill, a long and very angry discussion took place between the leading members of the Government and ... SIR A. MACNAB, the HON. J.A. MACDONALD, and others of the opposition, as to whether the Government had a right to take up any special order of the day before going through the notices of motions;⁴ the gentlemen on the opposition benches complaining of the injustice of the Government in proceeding at once with amendments of an important character, which had only at that moment been placed in their hands, and which had, it seemed, been given to members in favour of the measure some time previously, as the member for Essex had, he said, received a copy that day at half-past one o'clock.⁵

It was denied by ... MR. INSP. GEN. HINCKS that any hon. member had received copies before that moment and he could not explain nor understand how Mr. Prince became possessed of one, as he said he was.⁶

SIR A. MACNAB rose, and⁷ contended at some length⁸ that the course proposed to be pursued was irregular, and⁹ that it was contrary to all precedent, either in the Provincial or Imperial Parliaments, to take up any order of the day in preference to the notices of motions and other routine business.¹⁰ The Ministry ... had no right, by Parliamentary rules, or usages, to take up government measures where they pleased, when they pleased, and the particular measures they pleased--not only to the exclusion of all other business, but to the manifest inconvenience and detriment of the opposition¹¹. Referring to the Representation Bill, he understood great alterations had been made in it, and it was uncourteous to the opposition to take them up before members had had time to consider them¹²; the Ministry being as unfairly benefitted by such a course as the opposition was unfairly injured.¹³ He taunted the Government with endeavouring to force their measures on the House by means of a tyrannical majority.¹⁴

MR. INSP. GEN. HINCKS replied the government but pursued the usual course. The amendments to the representation bill were printed and in course of distribution; and they might be sufficiently discussed in Committee.¹⁵ The government deemed it impossible, on government days, to take up measures as they stood, on the orders of the day; that they must take up their bills as they found most convenient, and as they might be best prepared.¹⁶ The hon. and gallant member from Hamilton complained of a tyrannical majority, but the government had more reason to complain of a factious opposition.¹⁷ He characterized the conduct of the opposition as factious, and unprecedented, in raising these objections now. He alluded, in the bitterest terms, to Sir Allan McNab and his friends having adopted the practice he, Mr. Hincks, was pursuing themselves; and now, when it answered their purpose, and on a particular bill, they factiously, and most unfairly, he said, attempted to put impediments in his way.¹⁸

This being government day,¹⁹ MR. J.S. MACDONALD the SPEAKER decided in favour of the Ministry, and²⁰, after some further remarks from other hon. members, the orders of the day were called.²¹

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The Order of the day for the second reading of the Bill to amend an Act of the Legislature of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, "An Act to amend the Law respecting Real Property, and to render the proceedings for recovering possession thereof in certain cases less difficult and expensive," being read;²²

MR. AT. GEN. RICHARDS moved the second reading of the Bill²³. [He] said the object of this bill was to remove all doubt in cases of mortgage, and as to the right of entry within twenty years. The object of the bill was to allow

a mortgagee to have his right of action 20 years from the first payment on the mortgage, or, in other words, the time is to commence from the last payment. It was very desirable to pass a law before litigation should take place in this matter in this Province.²⁴

COL. PRINCE understood the object of the bill to be, to provide a remedy for the Chief Justices bill, passed in Upper Canada, which provided that no person should have a right of entry by ejectment or otherwise upon any lands, unless he asserts his right within twenty years from the time when his right accrued, but although a mortgagee has a right to entry upon mortgaged premises by ejectment, that right, under the Chief Justices' Act of 1834 must be asserted within twenty years, and although the mortgagee may have received from the mortgager instalments by way of interest, and part of the principal also, still, if he allowed twenty years to elapse from the date of the mortgage, it is perfectly true that he could not bring ejectment against the mortgagee.²⁵

MR. H. SMITH said the bill was important, and took its object to be, to secure mortgagees the right to enter property 20 years after a payment [was] made.²⁶ [He] said, twenty years had not elapsed since the passing of the 1834 bill, but he would call attention of hon. members to this, there should in the case of mortgages be evidence of payment. It was not merely the receipt on the back of the mortgage of so much money being paid that must be looked to, but he thought it better to have a clause introduced into this bill that some evidence should be given of that fact, otherwise it might leave the matter open to objection.²⁷

MR. J.A. MACDONALD of Kingston, thought it was necessary that payment should be proved. If the endorsement was in the handwriting of the mortgager then it would come upon him like an ordinary acknowledgment, but he thought it would be better to follow the Chief Justices' Act which is an English Act, or let it remain as it was.²⁸

MR. AT. GEN. RICHARDS had several suggestions of amendments to make: the first was with regard to the 6th paragraph of the 2nd section. The amendment suggested was that there should be a provision that the mortgage itself should not exceed a certain amount. The objection urged was, that the question of mortgage was one which involved considerable intricacy and which, under the circumstances, it was not desirable it should continue. He thought it would be as well to introduce some qualification as to mortgages introduced by virtue of written instruments. The next objection was, as to the amount of balance due on the mortgage, and it was urged that the Judge of the Court might be called upon to decide upon amounts beyond those contemplated by the legislature. But he did not believe, that after all, the argument would amount to much, for as to £50 matters, supposing that a Judge decided erroneously, that sum would be the extent of the party's liability, and he therefore thought it would not be going too far to let the bill remain [as] it was in that respect--the same, should, he proposed, be the fate of the next clause. The 4th section was to the reduction of expenses attendant upon proceedings in the Court of Chancery, and it would be well he thought to have the practice from the Superior Court, taken there. He would have the subsequent section of the Act amended, so as to extend the power of the Judges of the Court of Chancery, to make any alteration in the form of procedure in these matters, they deemed expedient,--those were the principal suggestions, submitted to him by very high authority. The next clause he proposed should remain, from the 12th section, which gives power to the Court to compel the production of books and papers at the hearing of the case, he did not see any objection to; the 17th section as it originally stood, only permitted the defendants to remove the case into the Superior Court, but upon further consideration he thought it would be better to give either

party the option of taking the case into that Court. Then with regard to appeal--the appeal provided for as the bill originally stood, was merely confined to a matter of law or equity, as to the rejection of any evidence. After all, perhaps, it would be as well to permit the appeal, when taken to be like the appeals now taken with reference to the Superior Court, and limiting it to the particular object. The Superior Court ought to have more authority.²⁹

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The Bill was accordingly read a second time; and ordered to be read the third time on Tuesday next.

MR. AT. GEN. RICHARDS³⁰ would next call the attention of the House to the low rate of fees³¹ [and] moved the House into Committee on the Bill to confer Equity Jurisdiction upon the several County Courts in Upper Canada, and for other purposes therein mentioned.³²

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The House, according to Order, resolved itself into a Committee on the Bill to confer Equity Jurisdiction upon the several County Courts in Upper

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Canada, and for other purposes therein mentioned;

MR. AT. GEN. RICHARDS contended that the salaries of county judges should be increased. The bill would much increase their labour. He pointed out that the present clerks of county Courts were not professional men, yet under this bill they were required to do their duty of masters in Chancery.³³

MR. H. SMITH of Frontenac said he did not know whether he was present at the first or second reading of the bill, but he would ask the Committee whether it was not of opinion they were too much imposed upon by the Judges of County Courts. Some of the District Court Judges were doing all the business nearly of Upper Canada, at a salary of £500 a-year.³⁴

A MEMBER, said they did not get half that much.³⁵

MR. H. SMITH continued to state he did not see it was right to give County Courts an equitable jurisdiction, but when you give judges of any court a great deal more to do than they before had, and when he believed everybody in Upper Canada would be of opinion that they already were amply employed, that they should be remunerated according to the labors they performed. (Hear, hear.) The clerks in the County Courts were not capable men, they should be men of education and ability. He had no idea either of making judges of men, within whose understandings laid no knowledge of matters of law. As regarded taking accounts between partners, nothing required more care upon the part of the Master of a Chancery Court; indeed, the same consideration would apply to County Courts. But, at all events, he preferred that in cases of reference, they should be made to the office of the Court of Chancery, and the most fitting person to make it would be the Deputy Registrar of the county, because he, to a certain extent, has from the nature of his employment become conversant with such business. It had been urged by many gentlemen in Upper Canada that a great improvement might be made in our whole jurisprudence. The Judges of the Superior Courts are not sufficiently employed--and receive a good salary; the poor, fagged-out County Court Judges are overburdened with work which should be done by the Superior Court, and they receive a less salary. At all events, in giving his assent to the principles contained in the bill he did not wish the County Courts to have more labour thrust upon them. In the case of the County Court of York, the labour had been so onerous upon the Judge that Government had thought it right to give him assistance. In his county, the Judge never was idle--constantly

employed as Judge of the County Court--residing at the Sessions--superintending the striking of Jurors, and so on; and it certainly would, in his opinion, result in this, that Assistant Judges would have to be appointed. With respect to the tariff of fees, he thought it was a beggarly account altogether. When hon. gentlemen talked about giving gentlemen one shilling and three pence fee, it was indeed a small affair. He would ask the hon. Attorney General whether he would be willing to take that sum?³⁶

MR. MACKENZIE wished to explain his feelings on the bill brought in by the hon. gentleman. That gentleman and all his friends, as long as he knew them had always been reformers and what were his little sayings worth? He was sure that if the county of Leeds, or any other county had reason to return him thanks for bringing anything forward, they had reason to be thankful only for a little. He and his friends only wanted to show themselves off. (Hear, hear.) Working away at little bills in that way was nonsense. They all knew perfectly well that there were some things which no judge or justice could comprehend. No doubt if this bill were lost men in the House could be found to tinker it up again. It seemed to him to be an evil to the country of great magnitude. The people who sent hon. gentlemen into that House expected, and were right to expect, real thorough reform, and to have the laws made plain and intelligible.³⁷ [He] said various bills of this kind were introduced in both provinces, which were no reforms at all. He alluded to various bills, which he contended were mere shams.³⁸ He had observed that in New York, where universal suffrage existed, every difficulty was put in the way by the Commissioners who were endeavouring to introduce the English system, but difficulties met them in the House of Representatives which presented a barrier to that introduction. (Hear, hear.) It made one sorry to see those petty mincing things, of which the present bill appeared to him to be one brought forward; he would rather be at home with his family than waste his time on such clap-trap.³⁹

MR. MURNEY said the bill was an attempt laudable in itself to merge law and equity in the county Courts. He expressed regret for having voted for the Court of Chancery.⁴⁰

COL. PRINCE did not know how it happened that he had never had an opportunity before of delivering his sentiments with regard to the bill. He would commence by condemning what the hon. member for Haldimand, who was not there in his seat, had said. (Cries of "there he is.") He had twitted the Attorney General for having brought forward that matter, but he thought the hon. gentleman was entitled to the thanks of the country for introducing it, for when the hon. member for Haldimand said the bill was of little good, he would say himself, that if it was a funny one, it was so for this reason, that it did not go anything like far enough. The proposition of the measure was to give equitable jurisdiction to the Judges of our County Courts. Were they capable of exercising it with ability and justice? He would like to find the man who could stand up and say, that there was any County Court Judge not fully competent to administer justice. According to his judgment they were perfectly competent to administer the law in all its abstruse windings, and why then limit them to the compass within which this bill proposed to limit them? Why not give them all those powers which are given to the Courts of Chancery in Toronto? He found no power given to the Judges of County Courts here to interfere in the shape of injunction. (Hear, hear.) What are injunctions? A speedy remedy sought for by an individual who finds that he is about to be injured by another's act either by cutting down timber on his land to which he has no right, or entering premises, to which he has no right. First, trespasses [*sic*] should be restrained in precisely the same way that the Chancery Court at Toronto could restrain him. If the hon. gentleman, living as he did at Sandwich 250 miles from Toronto, had occasion to apply

for an injunction to restrain an individual cutting down timber on his land, what was the consequence? He was obliged to wait for about a month before he could apply for an injunction from the Court at Toronto, having in such a case to pay agents and others. He thought County Court Judges ought to have the power of issuing injunctions, and why should they not also have power over infants the same as possessed by the Court of Chancery in England? He would like to know why his children should not be protected in case of his death in Quebec, without their having to go down to the Judge at Toronto? Why should not County Court Judges have power also over lunatics? Was not a County Court Judge just as competent in a commission de lunatico inquirendo, and just as competent to place the care and control of the lunatic's estate into the hands of a committee, as Mr. Chancellor Blake and other Vice Chancellors at Toronto? Then again, what was the use of the limitation to £50 cases? In 99 cases out of 100 suits in Chancery involved questions relating to sums of from £100 to £1000, and he shuddered when he thought of the expenses of the Court of Chancery at Toronto, and its troubles and uncertainties. Give to the County Courts jurisdiction to the extent of £250 at least;--they at present have jurisdiction for pursuing a debtor to the amount of £100. The hon. gentleman then alluded at some length to the labors of the Judges of the Courts, and stated that if the bill were allowed to stand over, he would submit a few remarks in writing to the Attorney General, and he had no doubt other hon. members would assist him, and he thanked the Attorney General for bringing forward this bill with the view of imparting to Common Law Courts, equitable jurisdiction.⁴¹

MR. STREET spoke generally in favor of the bill. He did not agree with the member for Essex in regard to the amount of jurisdiction to be left to the judges, and he thought that the Attorney General had proceeded with much caution and in a very proper manner. He thought the wiser course to adopt the amount fixed by the bill than at once to give a larger one. The judges had a most laborious duty to perform, and now in many cases very inadequately paid. It was evident to him that the amount they receive is very inadequate to the extra labour that was to be imposed on them. It would be more professional with regard to the fees that they should be fixed by a regular tariff.⁴² [He] acquiesced in the extended power proposed to be given to the County Court Judges of granting injunctions and stated his reasons at length.⁴³

MR. MERRITT had opposed every change that had been made in the administration of justice since 1836, when the Court of Queen's Bench sat once a year, and there were the Quarter Sessions and Court of Request--then every thing went on harmoniously, but it was then found out, that the Court of Queen's Bench must sit twice or four times a year with county Courts and the Court of Chancery. He had opposed the bill for the establishment of the Court of Chancery, and he wished the Attorney General would carry the principle of this bill into the Superior Courts. That had been done in Vermont and other Eastern States and had been found to be attended with good effects.⁴⁴

MR. H. SMITH (Frontenac) spoke of the advantage of the proposed measure in cases of damage done to property. He then went on to speak of the appointment to the office of county judge that had been lately made by the present administration which he said would not give general satisfaction. He mentioned an appointment that had been made lately for which no reason could be guessed but that he was a warm politician as he was possessed of no legal attainments. He protested strongly against appointments of this nature. As the bill intended conferring very extensive powers on the judge he hoped the Government would allow the committee to rise that they might take advantage of the suggestions of the member for Essex. The hon. member then went ... [on] to ridicule the remarks of the hon. member for Lincoln and to say that the judiciary of Canada was now in a most efficient state and conducted with a very moderate expense.⁴⁵

MR. RIDOUT expressed himself in favour of the principle of the bill.⁴⁶

MR. AT. GEN. RICHARDS desired that all these changes should be gradual and that in making them, great care should be taken, because to carry them into effect they would have to employ men who were brought up in the present system. He thought that by gradually changing the system, every one would be accustomed to its working and the change though not so quick would be more lasting and permanent. He had stated that he was in expectation that the state of the fee fund would allow an increase of the salaries of the judges and he was still in hope that it would do so, but he thought it would be better to test the making of the proposed change before making any increase of the Salaries.⁴⁷

Some further conversation [followed]⁴⁸.

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*and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Willson reported, That the Committee had made some progress, and directed him to move for leave to sit again.*⁴⁹

Ordered, That the Committee have leave to sit again on Friday next.

The Order of the day for the House again in Committee on the Bill to enlarge the Representation of the People of this Province in Parliament, being read;

*The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Morin, and the Question being proposed, That Mr. Speaker do now leave the Chair;*⁵⁰

MR. INSP. GEN. HINCKS moved that the House go into Committee of the Whole on the bill to increase the Representation. In making this motion, he alluded to the unwillingness that had been shown by the hon. gentlemen on the other side of the House, to enter into committee on the bill, saying that he could not see what reason there was why the bill should not be proceeded with.⁵¹ He said its principle had been fully discussed, and the question was now only of details, which could be fully discussed in Committee.⁵² Easter was close at hand, and hon. gentlemen must be aware that a short recess would be necessary then, and that some time would be lost, and that if the bill was not carried before then it could not be carried at all. If, when the House went into committee any good reason could be shown, why any particular portion of the measure should be postponed, he should have no objection to have it postponed for a time.⁵³

MR. J.A. MACDONALD was surprised at the course taken by the Inspector General. What object could there be in hurrying the measure on with such haste. Why could it not be postponed for one day at least.⁵⁴

MR. INSP. GEN. HINCKS again rose to speak, when--⁵⁵

MR. H. SMITH (Frontenac) protested against the bill being now taken up.⁵⁶ [He] said if there ever was a case in which a bill had been attempted to be forced into committee, contrary to all rule, this was one. The Inspector General told him (Mr. S.) that his county was not affected by this bill; but he was sent there not as the representative of one county only, he was there as a member of the Parliament of the whole Province, and had a right to be treated as such. He wanted to know if these were the only amendments that the Government intended to introduce?⁵⁷

MR. INSP. GEN. HINCKS said that at present they were only going to discuss those relating to U. Canada.⁵⁸

MR. H. SMITH continued:--Why should these amendments not be printed in French, that the members for Lower Canada might understand their effect? He expected justice from the French members, and how could they form any opinion

at present? The matter should be postponed till all the amendments, whether of Upper and Lower Canada, were printed.⁵⁹ He wanted time to consider the amendments proposed. The bill had been entirely altered since it was first brought down.⁶⁰ To decide on the very first amendment, they had to look back to the original bill, and so with all the others: and could they therefore go into the matter without much time for consideration. The late Attorney-General, Mr. Baldwin, was anxious to abolish all the Ridings in the divisions of counties; but they were now called on to establish them again, and he did not see any necessity for that. They were called on, this evening, to go on in the dark, without knowing what they were going to do. When this bill was first introduced, they were told to look at the amount of population in the counties, but now they could not do that, for the whole bill had been altered, and then he was told that it did not affect his own county--⁶¹

MR. INSP. GEN. HINCKS said that he did say so.⁶²

MR. H. SMITH would appeal to the whole House if the hon. gentleman had not said so.⁶³

MR. INSP. GEN. HINCKS explained that his meaning was, that he had only consulted those members⁶⁴ from both sides of the House⁶⁵ whose counties were affected by⁶⁶ the proposed changes⁶⁷ [in] the bill.⁶⁸

MR. H. SMITH said that he did not expect to beconsulted in any case. Now, he would like to ask the hon. gentlemen who represented Niagara and London, and other constituencies of the same kind if their constituents would be satisfied at the proposed changes? The bill was going to give a township representation, not a town or a county representation. And with respect to the counties; should not the members for counties be allowed to consult their constituents, and see whether those proposed changes would be satisfactory to them? These amendments were all important, and so important that time should be given for due consideration of them. It did appear to him that there was a desire on the part of the Government to press this measure, because they were afraid that some hon. gentlemen were going to leave town instead of remaining to attend to their parliamentary duties.⁶⁹ [He] did not think it fair [that] the bill should be forced on to suit the convenience of some members who had received red pine favors and who wanted to go away.⁷⁰

SIR A. MACNAB read a rule of the House to the effect that every alteration of a bill changing the principle should have notice given of it.⁷¹ All amendments of this kind should be printed for the use of members in sufficient time for them to understand them fully before discussing them; and unless the House chose to do away with the rule, they could not be compelled to go into committee upon them. They were told also of amendments for Lower Canada, and they were called on to carry them for Upper Canada--in the first place before knowing anything of what was contemplated for Lower Canada. A course of proceeding like this was, he said, quite contrary to the usual practice of the House, that they should be allowed no opportunity of comparing the amendments with the bill. He did not think it fair that the Conservative members from Upper Canada should not be allowed to have what the Inspector General calls a caucus, and consulting with each other about these amendments.⁷² He said, that the Inspector General and his colleagues had mapped out, in amendments to the Representation Bill, the whole of Upper Canada; and had kept the opposition in the dark as to these vital and organic changes.⁷³ In the first place, here is a long amendment and others following in the same way to the extent of three⁷⁴ [OR] four or five closely printed pages....These amendments, were handed about among the supporters of the ministry; whilst the opposition was kept in the dark about them; yet is the Inspector General, he continued, tyrannically forcing us into a debate upon these amendments, which we have never seen; and forcing us to decide upon vastly

important matters, it is wholly impossible for us now to understand.⁷⁵ It was utterly impossible for any person in the House, and particularly in the opposition, to go at once into the consideration of such amendments as these, without any time for reflection or consideration.⁷⁶ Such conduct, he said, was unjust to an opposition, which was as necessary to a good government, as the government itself was to a country.⁷⁷ He contended that it was most indecent to force the opposition to vote on an important measure affecting the representation of the Province at a few hours notice.⁷⁸ He said, the public would not uphold such conduct; and he had a right to call it tyrannical in the extreme.⁷⁹

MR. MURNEY said that it was most indecent to force on a measure like this in the manner in which the Government were doing. They came down with a measure by which they were to stand or fall--a scheme for uniting for the purposes of representation, certain towns, and now this was all to be abandoned. Does the Inspector General mean to say that the opposition on his (Mr. M.'s) side of the House had caused him to abandon that part of his plan, or was it a pressure from without--from some of his own supporters--that caused him to do so, and introduce a measure totally different from that first introduced?⁸⁰ [He] represented the hardship of the opposition being forced into the consideration of important amendments only a few hours ago laid before them. Besides, these affected Upper Canada only, while the changes proposed for Lower Canada were not yet before the House, and both sections of the province ought to be considered at once.⁸¹ It looked as if the Government could not carry their measure unless it was forced through that night. He would like the Inspector General to have a call of the House fixed for a later period.⁸²

MR. INSP. GEN. HINCKS said that he would do nothing of the kind.⁸³

MR. MURNEY did not expect that he would. He had made up his mind to follow a certain course and meant to stick to it.⁸⁴

MR. INSP. GEN. HINCKS then rose to speak, but was called to order by MR. SMITH, who said that he had already spoken once.⁸⁵

MR. INSP. GEN. HINCKS said that he had only spoken before in reply to a question⁸⁶.

MR. J.S. MACDONALD the SPEAKER ... deciding in his favour--⁸⁷

MR. INSP. GEN. HINCKS ... continued. Fifty six members, he said, were requisite to carry this bill, and more than that number had already voted⁸⁸. Hon. gentlemen opposite ... should remember the second reading had been carried by a majority of 58.⁸⁹ But in spite of the overwhelming majority that was shown in favor of this bill, the opposition appeared to be determined to do everything in their power to prevent its passing. If the bill was postponed for any time and then not carried it would be too late to do anything this session to equalize the representation; and this appeared to be the object of hon. gentlemen opposite. If this bill did not receive the necessary support it might be possible that they might have again to resort to the grouping of towns, for they were determined to carry such a reform as would be satisfactory to the people.⁹⁰ He denied that the government had either pledged themselves to the grouping of towns, or the reverse.⁹¹ They had abandoned the grouping of towns out of compliment to the hon. gentlemen, and they had to frame the bill in such a manner that it could be carried. He (Mr. H.) was very far from saying that the grouping of the towns was unpopular in Upper Canada. Hon. members opposite were very strongly opposed to the grouping of towns, and from them the opposition had principally come. He could not understand the reason why they should not go into committee⁹² [and] why the bill should not come up tonight.⁹³ Were there not principles to be discussed without any reference to details, and if hon. gentlemen opposite could show that there was anything that required post-

ponement, the Government would not object to postpone it? He was astonished at the attempt made by the hon. member for Kingston [sic] to mistify the House by saying that the representation of Upper Canada was first to be settled, and then that of Lower Canada afterwards. The question as to the division of the counties was a very unimportant matter, for what difference could it make in what manner Lower Canada was to be divided?⁹⁴

MR. LANGTON opposed the discussion of the amendment[s] to-night. He had not had time to look at them, and would not discuss them.⁹⁵ [He] said, that the Inspector General himself, did not know what the divisions were. By his scheme the smallest amount of population to be represented was 5,000, and the greatest 24,000. All those hon. gentlemen who were willing to take the bill on the dictum of the Government, should look into the question a little, and not vote only as the Government directed them. The Inspector General said that some of the questions were not to be taken up, what then were they to discuss? If the course taken by the Inspector General were persisted in,⁹⁶ if time were not given him to consider the details⁹⁷, the only remedy would be to throw out the bill at the third reading.⁹⁸

MR. MACKENZIE was in favour of going on with the bill. It was of immense importance, and the reasons urged for delay were frivolous.⁹⁹

MR. SOL. GEN. CHAUVEAU contended that the reasons urged against going into committee were not valid.¹⁰⁰

MR. STREET could not believe that the Inspector General would force them into Committee on this bill, as he proposed to do.¹⁰¹ [He] was astonished that they should be forced to go into discussion of a question on which they could have no understanding.¹⁰² They could not have made themselves acquainted with these amendments, because they had no means of so doing, and it would not be a wise course if they were to receive the great measure of reform in the mutilated shape in which it was then before them¹⁰³. He thought it extraordinary that they should be obliged to discuss the representation of Upper Canada only, while that of Lower Canada was postponed.¹⁰⁴ He observed that it was their intention to go through with it, or they might withdraw it at once. Has not the Inspector General said so.¹⁰⁵

MR. INSP. GEN. HINCKS.--No, no.¹⁰⁶

MR. STREET.--Yes, he had told them so. In fact he had said, that the reason why he wanted to press this measure on, was because there were some hon. members who wanted to go away: and because¹⁰⁷ some members thought their private business was of more importance¹⁰⁸ [and] chose to desert a great measure entrusted to them, hon. gentlemen on his (Mr. Street's) side of the House, who were willing to stay and attend to their duties, were to be forced into a great measure like this¹⁰⁹. That was no reason why those who remained should be forced into premature discussion¹¹⁰ contrary to their wishes,--and before they had an opportunity of preparing themselves on the amendments. It was like the course pursued in the case of the Grand Trunk Railroad, when they were forced to go into committee on it before they had read the report. However, he did not see that anything they could say, would have any effect, as the Government appeared determined to proceed.¹¹¹

COL. PRINCE saw no reason for delay, except a desire to defeat the bill altogether.¹¹² [He] was in favour of the bill, and wished to record his vote in favour of it, but he wanted to return home and he was therefore desirous that the bill should be proceeded with.¹¹³

MR. FERGUSON urged the government to go on with the bill.¹¹⁴ [He] would have thought that to take a subject into consideration was the best way to

understand it. He was glad to hear the reasons given by the Inspector General for going on with the measure as fast as possible, or if it failed, to introduce a bill for the readjustment of the constituencies as now composed, which course he was sure would be pleasing to the Reform party.¹¹⁵

MR. R. CHRISTIE of Gaspé, expressed himself in favour of going into committee¹¹⁶ and [to] rise and report progress from day to day.¹¹⁷

MR. GAMBLE reiterated some of the arguments he had used on the second reading of the bill¹¹⁸. [He] did not think that hon. gentlemen on his side of the House had any cause to complain of the conduct of the Inspector General in the course pursued with regard to this measure up to this day. He (Mr. G.) was in favour of an increased representation, and he was in favour of single electoral districts, and he found that they were to be adopted, and that the grouping of the towns was to be abandoned, but still the original fault remained on which he voted against the bill--its not being based on population. That was a principle which he had always supported, and he had never voted for any which was not placed on that basis and he was not satisfied with the arguments given by the Inspector General; they were not sufficient to induce him to change his vote although he was by no means sure how he should vote finally on this bill. He contended at the time of the Union that the system then adopted was unjust. It was unjust to Lower Canada then, and it would be unjust to Upper Canada now, and he did not see why the injustice should be perpetuated, more particularly as there was now no reason for bringing it forward. He thought the alternative offered by the Government was much better than the measure now before them, it would be better than to continue the unjust principle that was established at the Union. But¹¹⁹ [he] objected to going into committee to-night. He asked for one day to consider the amendments proposed; and he wanted to have before him, the representation of both sections of the Province at once, before he considered one.¹²⁰ Although the Government had till this day acted very fairly in this matter to the opposition, yet now to ask them to take up half a bill was a course of which he could not see the propriety. He could not see any reason, unless it was, that with the aid of Lower Canada, they wanted to force down some divisions that were unpalatable to Upper Canada, and then, by means of Upper Canadian members, to force down divisions that were unpalatable to Lower Canada.¹²¹

MR. BADGLEY said the amendments proposed entirely altered the bill at least in so far as it related to Upper Canada. The amendments in effect made a new bill. He understood the object of discussion was to ascertain the views of members with respect to things known, but how could they with respect to things unknown? He proceeded to contend that there was no information before the House to enable them to discuss the amendments proposed.¹²²

MR. DUBORD opposed the going into committee and urged delay.¹²³

MR. J.A. MACDONALD asked how they could be expected to argue when they had no grounds to argue on? It was known that other hon. members had got this bill before they did. The hon. member for Essex had a copy this morning. He had said so in his place, and then when they said they were not prepared to discuss it, the Inspector General said, Well, then, you can sit still and we will discuss it! And then when they resisted that, they were called a factious minority. That was the term that had been applied to them in the early part of the evening. Certainly, the Inspector General was growing very polite. If he was really determined to go on, he might as well have said so at once, and that would have saved them some hours' discussion. The Government seem to think that they of the opposition had some diabolical plot; but if there were any, it was probably that he (Mr. M.) would know something about it, which he certainly did not. He (Mr. M.) was opposed to any change in the representation just now, and should

vote against the bill, but he meant to make no factious opposition to this bill; but if he found any particular portions objectionable, he should endeavour to have these amended.¹²⁴

MR. D. CHRISTIE.--Cries of "question, question."¹²⁵

MR. J.A. MACDONALD.--The member for Wentworth cries question: he always calls out "order, order," when anything is said contrary to the powers that be, and calls out "question, question," when he is tired of hearing anything from the opposition. He concluded by moving in amendment that further consideration of the measure be postponed till Friday.¹²⁶

MR. DIXON supported this amendment.¹²⁷

SIR A. MACNAB said the amendments were the whole bill in effect in as far as it applied to Upper Canada. Gentlemen on his side of the House had met together to consider these but they had not been able to obtain copies of them. They were only laid on their tables at four o'clock in the afternoon, while members on the other side had them in the morning.¹²⁸

MR. INSP. GEN. HINCKS.--I deny that. I corrected the last proofs at twelve o'clock.¹²⁹

COL. PRINCE got up, and gave Sir A. MacNab and the opposition a good sound rating, for refusing to go into the discussion of the amendments of the Representation Bill, which he alleged they had had in their possession since half past one o'clock that day. He taunted them amid the cheers of the Ministerial supporters with gross factiousness in doing so, and triumphantly announced to the House, that he himself had had the printed amendments in his possession since half past one o'clock.¹³⁰

SIR A. MACNAB got up, and pledged his own honour, and that of every gentleman in the opposition, the whole responding at the time--that they¹³¹ (Sir Allan's side)¹³² never received a single copy of the amendments at the time alleged; and that it was only at that moment, four o'clock, they were being handed by a messenger round the House. He then turned to Mr. Hincks, and asked him if it was fair, or honorable--if it was just to the people he, Sir Allan, and his friends represented--to have these amendments thus handed secretly about among the supporters of the Government, preparatory to a discussion upon them, whilst the opposition were kept in ignorance of them. He characterized the proceeding as the most unfair and disreputable he had ever witnessed, and he waited for Mr. Hincks's explanation of it.¹³³

MR. INSP. GEN. HINCKS got up, and assured the House, upon his honor, and said he could produce the Printer to establish the fact, that what Mr. Prince said was wholly untrue; and he never did receive the amendments, as he alleged, at half past one; for they had not been printed, as he could show by the Printer, till half past three that day. And without remarking upon it, or upon Mr. Prince's motive in making the statement, he owed it to himself he said, to pronounce it untrue.¹³⁴

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The Honorable Mr. Macdonald moved in amendment to the Question, seconded by Mr. Dixon, That all the words after "That" to the end of the Question be left out, in order to add the words "this House will, on Friday next, resolve itself into a Committee on the said Bill" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Cauchon, Clapham, Crawford, Dixon, Dubord,

Gamble, Langton, McDonald of KINGSTON [sic], Sir A.N. MacNab, Malloch, Murney, Ridout, Robinson, Seymour, Smith of FRONTENAC, Shaw, Stevenson, Street, Stuart, Viger, Willson, and Wright of West Riding of YORK.--(24.)

NAYS.

Messieurs Brown, Cameron, Cartier, Chabot, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Attorney General Drummond, Dumoulin, Egan, Fergusson, Fortier, Gouin, Hartman, Jobin, Johnson, LaTerrière, Laurin, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, McLachlin, Merritt, Mongenais, Morin, Morrison, Patrick, Polette, Poulin, Prince, Rolph, Attorney General Richards, Rose, Sicotte, Smith of DURHAM, Tessier, Turcotte, Varin, White, Wright of East Riding of YORK, and Young.--(42.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That Mr. Speaker do now leave the Chair.

The House accordingly resolved itself into the said Committee;

The House then went into Committee¹³⁵ on the amendments--MR. MALLOCH in the Chair.¹³⁶

MR. INSP. GEN. HINCKS said that there had been a call of the House on account of this very measure, and it was understood that it was to be pressed with all possible despatch. The Government had been taunted by the statement, that some hon. gentlemen wanted to leave town for their respective homes to attend to their own business, instead of proceeding with the business of the country; but it was almost impossible to have all the members of the House in their places during the whole of the session, and then they might be prevented from proceeding with the bill at all this session, so that when the members were present, it was absolutely necessary to go on with the bill.¹³⁷ [He] congratulated¹³⁸ hon. members opposite¹³⁹ on their parliamentary tactics¹⁴⁰ [and who] wished to postpone the measure¹⁴¹. The whole object of the eloquence they had heard, was to put off the bill until after Easter Holidays¹⁴² knowing that if it is put off till the Easter recess, it cannot be carried at all, and thus they hope to defeat the bill altogether. But, he continued, notwithstanding the vote on the second reading of this bill, I think when the third reading takes place, it will assuredly be found that certain honourable gentlemen on the opposite side will try and find some reasons for giving their vote against the third reading, and of course with regard to hon. gentlemen who take that course, they will take it upon their own responsibility, and will have to answer to their own constituents for the votes they give in this House, but it is desirable that we should know what is to be the fate of this bill, in order that we may take the necessary steps. The hon. and gallant knight has held out threats, but I think the course we intend to take in the event of this bill failing, is due to our constituents. We have upwards of 60,000 population represented in this House upon the same footing as other places, with only two or three members. The hon. and learned member for Kingston said, when he last addressed this House, that I had given way a great deal--come down a peg or two; and that he was satisfied he would succeed in bringing me down a few pegs lower. Well, I am quite ready to admit (and the hon. and gallant knight opposite has threatened us with the means they have got to obstruct proceedings in this House)--of that I am well aware, but I did not expect that hon. gentlemen were going to make this kind of opposition, or that they were going to prevent us going into Committee, or the Government having an opportunity of stating the alterations which have taken place since the second reading of this bill.¹⁴³ The arguments urged against going into committee were futile¹⁴⁴ [and] I say this, Mr. Speaker, particularly with reference to the hon. member for Peterborough: that although he, like other hon. gentlemen, has intimated that they were not yet sufficiently posted up in this matter,

still they wish to prevent other gentlemen going into it who have risen to discuss it, and I know several hon. gentlemen in this House who are ready to discuss it now. Now, Mr. Speaker, I do not believe there is any member in this House who has been so fortunate as the hon. and learned member for Essex.¹⁴⁵

COL. PRINCE.--In what way?¹⁴⁶

MR. INSP. GEN. HINCKS.--I am inclined to think that the gentleman in the multiplicity of his business to-day, has forgotten when he received these papers.¹⁴⁷ He thought the hon. member for Essex had made a mistake in saying that he had received his copy of the amendments at one o'clock.¹⁴⁸ I cannot help being of that impression, because I believe it will be ascertained that, however my learned friend obtained them (perhaps by being in league with the printer ... laughter) I can establish that the bill never came into our hands until between three and four this day.¹⁴⁹

SIR A. MACNAB: That is all very well, but it will not do for the hon. Inspector General, who is the controller of nearly everything here, to state that these proposed amendments only came into their hands at three o'clock.¹⁵⁰

COL. PRINCE: I called at the Post Office for my papers, (and God knows there are twice as many bills printed as there ought to be) and I took it for granted, having received these very papers, that they came with the rest, for they were all mixed up together.¹⁵¹

MR. INSP. GEN. HINCKS: The proofs were sent to the printers this afternoon, but as I have already stated, it is quite possible one copy came to the House miraculously, and found its way into the hands of the hon. member for Essex. (Laughter.) I had expected, I confess, at an early part of the evening, to have made considerable progress with this bill; but as it went on, and the longer the debate continued, I became convinced that it was impossible to proceed far with it to-night; but I am justified, nevertheless, Mr. Speaker, in thinking that the time was not lost. We had the hon. member for the town of London stating objections, but I think they would be much more conveniently advanced in a committee of the whole House. And then there was the hon. member for Peterborough--he stated some of his objections, but those objections would more conveniently have come into a committee of the whole House with regard to these changes. Now, with regard to this bill, the great principle of it was, whether it is expedient that the representation should be increased? The extent to which representation should be increased is, after all, not a matter of very great importance. It is certainly of no importance whatever as regards the principle, and cannot be of any as regards the carrying out of the details of the matter. The original proposition made by Government of which I had the honor to be a member some years ago, was that the representation should be increased¹⁵² to 180¹⁵³. There was a good deal of complaint made by hon. members on the opposite side of this House; they thought the number was too large, and had hopes of getting the assent of the requisite members to a decrease. The next number was brought down to 120 instead of 150; or rather the second was 150 and the third 120. This session we adhered to the number of 120, and brought down the bill to that shape.¹⁵⁴

MR. H. SMITH (of Frontenac).--There were two bills of 120.¹⁵⁵

MR. INSP. GEN. HINCKS.--Probably the hon. gentleman is right; but¹⁵⁶ to meet the exceptions taken to the former bills, grouping of towns was proposed in the present bill¹⁵⁷ [and] during the discussion of the second reading a strong objection was taken to ... [it]....Now the great object of that was that we did not desire to bring forward a measure of this kind, if we could have avoided it; we did not wish to disfranchise, and it was thought that

throwing the towns into a very large constituency, would virtually amount to disfranchisement. For instance, had the town of Cornwall been thrown altogether into the County of Stormont, it would not have been an inequitable mode, if the town of Cornwall had been disfranchised. So with the county of Niagara, and it was thought better in order to get a constituency, as these could not have sent a proper number of members, that course appeared first in order to get sufficient constituencies to establish these groups of towns to which so much exception has been taken. During the discussion of the second reading it was intimated, that finding there existed considerable objections to this grouping of the towns (for I confess there have been very strong objections opposed to it) and it being a new principle here, although not in the old country, hon. gentlemen may not have given much attention to the subject, and at the first sight it is calculated to strike one as not being a good mode of approaching the elective franchise. A good deal of opposition was shown, I say, on that occasion and after giving it great consideration, it being evident, that by retaining that feature in the bill, it would be impossible to carry it, it was deemed expedient to leave that point, and with a view to carrying out the same principle we considered it was desirable not entirely to disfranchise, but at the same time not to allow these very small constituencies to send members. The proposition which is embraced in one of the amendments which I shall have the honour to submit to this committee is, that the elective counties should retain their privileges, and with the exception of two or three townships, the towns should be added to the townships in which they might be situated, giving them a power comparative to the average number of members returnable, whatever other considerations they might be entitled to, but still apportioning the disfranchisements which would have the practical effect of throwing them into a very large province. Now, I do not know precisely the nature of those objections of which we have had some little indication, and indeed it is very difficult to know whether the hon. member for Frontenac is prepared to stand up and declare that he wishes these towns to remain as they are, and send representatives as they now do. If so I would ask him, upon what principle he thinks, that the towns of Cornwall, Niagara and Brockville, and so on should not send a representative to this House? Then, if he abandons that point and he thinks it should be so, then what is it that the honourable gentlemen [sic] wants, or what principle is it that they [sic] desire should be carried out. I have endeavoured to explain as briefly as possible the alteration which is proposed to be made with regard to the Towns. A reference has been made to Lower Canada and although no remark was made as to details, the same principle has been applied to both Provinces in every respect, except that owing to the elections of the counties in Upper Canada some two years ago. The counties in Lower Canada not being so arranged, of course a good deal more machinery is required to arrange them in order to carry out the same principle of single electoral divisions. That, Sir, is another principle which has been altered by honourable gentlemen who have not given a great deal of attention to this matter, and some gentlemen are led away by the very plausible remarks [sic] of the gallant member for Hamilton in reference to the original bill and there being five pages of amendments. In consequence, however, of difficulty meeting us, we are obliged to divide a large number of the counties which send two members, into ridings, making one riding to consist of so many townships, and others, a larger number and that is the subject to which reference has been made, and when we come to these details, it will be soon found. The whole subject is a great deal more simple than what the honourable gentlemen [sic] has endeavoured to represent.¹⁵⁸ The Government had consequently made an alternation [sic] in the bill¹⁵⁹ as to abandoning this system of grouping the towns, and putting them into townships in which they are represented, or getting constituencies sufficiently large to enable them to send a member to this House¹⁶⁰. Another principal [sic] which had been called

for in the House, was the adoption of single electoral divisions, and the machinery necessary for that, made it necessary to recite the countries [*sic*], and that was the reason of the bulk of the amendments about which so much had been said, but which would be found very simple.¹⁶¹ As to adopting them into divisions we adhered consistently to carrying out those three principles--we adhered to the principle of population, and taking the counties which had the greatest population, and without any view whatever to serve one or the other party, taking them fairly into their order, the largest of them have been divided into two ridings, and they have electoral divisions, and I am prepared to beat a case made out which will embody any scheme from the committee by taking this course. Here are 56 electoral division[s] from the counties, and 9 from the towns.--If the hon. gentleman chooses to look at ten of the largest and most populous divisions of the county, and the ten smallest and adding these together, say, that ten members represent the ten largest constituencies (taking the largest of them), and ten others represent the ten smallest: if they do that¹⁶² there would be a great discrepancy¹⁶³ [and] they could make out a very strong case against the bill. Well, I am not prepared to say, in fact I do not pretend to say, that this bill is by any means a perfect one; I do not present it as such, and I do not pretend to say that we can carry through any bill imperfect in its composition, but we have to consider certain local interests.¹⁶⁴ The government felt it necessary to make concessions to different localities.¹⁶⁵ Hon. gentlemen must look to what may be considered the local interests of the particular parts of the country which they have to represent, and to which I do not attach any blame. I know perfectly well that the public feeling must be consulted; that different parts of the country would be dissatisfied if they lost measures, and I can perfectly understand the feeling that would prevail, in the two sections of the Province, because they would not like to be deprived of any part of the representation they have got, and if the town of Cornwall was thrown into the County of Stormont, the effect would be, that they would lose one of their present members. For precisely the same reason, it was deemed advisable, although at first the proposition was--that the towns of Prescott and Russell, should be united together, and I think, the most equitable way of dealing with that, would have been to leave the towns of Russell and Prescott united together. I have told the hon. gentlemen that it is necessary to make a concession of the principle, of not depriving a constituency, which has had a member, of its representation; and hon. gentlemen know perfectly well, it is generally inferred that a constituency has always had its representative, and that it is not disfranchised. In order to meet that, take the County of Russell, which contains at present 2,810 inhabitants, and it being considered impossible, that it could be allowed to remain with so small a representation, two townships have been added for that purpose from the County of Carleton to the County of Russell, creating a population of nearly 9,000.¹⁶⁶

SIR A. MACNAB: Where did you say they are taken from?¹⁶⁷

MR. INSP. GEN. HINCKS: Why, from the County of Carleton!¹⁶⁸

MR. MALLOCH expressed dissatisfaction.¹⁶⁹

MR. INSP. GEN. HINCKS: I see the gentleman in the chair is laughing, but I can convince him that this course will give general satisfaction in all parts of the country, and Mr. Chairman, that would be the effect of uniting the County of Russell to the County of Prescott--and it must be perfectly obvious that it is for the interest of the County of Carleton, as well as for the interests of Russell.¹⁷⁰

MR. H. SMITH, of Frontenac.--If Prescott has one member and Russell one, will not the whole number be more than 65?¹⁷¹

MR. INSP. GEN. HINCKS.--No!¹⁷²

MR. H. SMITH.--Read over the list.¹⁷³

MR. INSP. GEN. HINCKS read it. I was going to observe, Sir, as to the average population, taking the population as the basis, it would give about one representative for every 15,000 inhabitants. Well, out of the 56 county members, all but ten are for constituencies exceeding 10,000 and under 20,000 inhabitants: 15,000 being the average. Of all ten counties, six exceed 20,000 and four are under 10,000, making ten out of 56. Of course I am quite willing to admit, that by taking the small constituencies, and adding them together with the largest, you can make out a case and say, that the ten largest represent so many, and the ten smallest so many: I have gone into the question with a great deal of care, not only now but before. It would be impossible, without altering the divisions of the country, and making changes, which I do not believe any honourable member would desire, to take up any divisions upon this bill. I particularly call the attention of hon. members to this fact, that if it is desirable to change the divisions for electoral, municipal, and judicial purposes, and to establish them upon a new basis altogether, that you can frame a new scheme at any time by a majority of this House, and therefore I say, that in passing this bill, it is not desirable to do any thing else but deal with the electoral divisions as you find them, taking up the counties as they stand, and endeavouring to make the representation of the county towns as they stand upon the basis of the population. But when hon. gentlemen tell me, and endeavour to show, that the bill is inequitable in this respect, I ask them to look at the present state of things¹⁷⁴ and reflect that the best had been done, that could be done.¹⁷⁵ Under the state of things that we have now, the largest electoral division will be 24,000 odd; that will be the constituency of the largest township after the divisions have taken place--the largest township will be left about 24,000 inhabitants; and the smallest has got very nearly 6,000, so that the difference between the largest and the smallest is, that it has about four times the population. Now, we get a population of upwards of 60,000 inhabitants, and we have got a town constituency of under 2,000. About 1,646 is the smallest, and the largest is between 60,000 and 70,000. I point that out as the state of things that we find and see if there has not been a very great improvement effected. With those remarks, I will read briefly over the divisions as they are formed in reference to the population of each. I wish hon. gentlemen to bear this in mind, and I will make observations as I go on with regard to points, because I think I can show that with regard to some cases where the greatest discrepancies prevail, there are good reasons for it. I will say nothing of the City of Toronto, which has upwards of 30,000, it is to give two members. Both the towns of London and Bytown have upwards of 5,000 inhabitants, and will shortly perhaps give upwards of 10,000, and there is no desire to make any change with regard to them; as to the most advisable course, consistent, without disfranchising them altogether [*sic*], or throwing them into the counties, it is to be recollected that perhaps the most populous parts of the township are the very parts which are to be considered as the suburbs of the town, and have the same interests. I think upon the whole, it is dealing with the towns in the wisest and best manner, and I don't know that any other course could have been adopted better calculated to have given general satisfaction. These, then, are those five constituencies, Bytown, London, Brockville, Cornwall, and Niagara are the smallest constituencies under the 10,000. Then the County of York is divided into three Ridings. The hon. member on the other side of the house who represents that county admits that taking the divisions they were the wisest which could be made. In one Riding there is 16,000; in another, 17,000; in another, 15,000,--15,000 being the average. I do not see how things could be better.

We next come to the County of Middlesex, and the hon. member for London who made a speech for the purpose of opposing or going into this measure, and who went into the very minutest details for the purpose of proving how really unfit he was to go into the matter at all, and indeed before hearing a single word in explanation from me, went into the question upon the bill and attempted to show that there was something very wrong about the County of Middlesex. The eastern divisions consist of four townships, with a population of 15,291, and the western eight townships of 16,658. The hon. gentleman, in order to show the necessity for postponement, said, "how do you know the population of Nis-siouria or Dorchester," but it so happens that these two townships were lately divided, and I find that we have actually got the returns from North and South Dorchester separately, so that there is no difficulty upon that subject.¹⁷⁶

MR. DIXON.--Will the hon. Inspector General allow me to ask him whether he has any returns from East and South Dorchester as distinguished from the others?¹⁷⁷

MR. INSP. GEN. HINCKS.--Yes.¹⁷⁸

MR. DIXON.--It shows the propriety of our argument.¹⁷⁹

MR. INSP. GEN. HINCKS.--The returns before this House have been before it for weeks.¹⁸⁰

MR. BROWN.--Since October last.¹⁸¹

MR. INSP. GEN. HINCKS.--I next come to the County of Oxford. There is no difficulty about the division, because the geographical division is such that it must be divided by the Governor's road--the local interests of the county are distinct, and have always been so: the North generally takes one view and the South another of this matter. Then we come to Hastings--I am sorry the hon. member for this county is not present, but of course he will be here at the detailed discussion upon the measure. The division, however, is not so exact according to population as might be desired, but that arises, in my opinion, from the particular position of the county. By far the largest amount of territory is in the smallest. If you want to go strictly upon population, you would have to take one of the front townships and add it to that with which it has no connection whatever, but I think, in making an arrangement of this kind, it is desirable to adhere to these divisions. At the same time, it is a matter of consideration, and, as to that, I will not go into any particular argument. The next county is Durham, which is divided so as to give about 14,000 inhabitants in one, and something over 16,000 in another.¹⁸²

MR. LANGTON: How is it divided as to territory?¹⁸³

MR. INSP. GEN. HINCKS: If the hon. gentleman imagines there is anything unfair about it, I have no doubt the hon. member can satisfy himself further. The county of Northumberland is equally divided, and that was done with the concurrence of the hon. gentleman who represents that county, and there is a population of over 15,229 in one division, and 15,469 in the other. Then in Ontario, by far the largest amount of territory, is in the rear. The county of Wentworth is the next, that is divided I believe, by the hon. and gallant knight himself, because I consulted with him, and I am sorry he is not now here, but I feel assured he would not be able to say, that any complaint could be made as to the county of Wentworth. We then come to Lennox, there the division is made as wished by the hon. gentleman who represents the county; and it really has been very difficult to make the divisions, but any body taking a map will see that they have been properly made. As regards Simcoe, it is the same. The county of Leeds is divided into North and South, and it is one of those places which has got a small constituency.¹⁸⁴

A MEMBER.--What is the population of Leeds?¹⁸⁵

MR. INSP. GEN. HINCKS.--The population, without Brockville, is about 26,000 odd.¹⁸⁶

MR. SMITH.--Taking out Elizabethtown.¹⁸⁷

MR. INSP. GEN. HINCKS.--Of course,--well, the county of Wellington is the next--that is divided into two constituencies--one of 12,255; the other 13,451--when we go on further, however, we find ourselves in a county which has 24,000 population, and which of course comes near the lowest number of the others, but if you go upon that principle, there will be no possibility of arriving at any result, and it therefore appears to me, you must fix a certain number, and apportion it. It so happens, that there are 26 Counties which just make the average of the requisite number. But hon. gentlemen will recollect, that two of my honorable colleagues represent counties very nearly in the same position. The Counties of Huron and Bruce have much more right to complain; and they have got a population of 22,035, and the population of Huron is 23,785. But I ask any hon. gentleman to look at those Counties, and say what in twelve months from this time will they be? Why, in the County of Huron alone, there are no less than 18 townships, and probably 28 altogether. This is just that part of the country which is filling up most rapidly at the present time, and of course you must look to quantity first. I think that they have just as good a right to complain. Norfolk has 29,281--of course that is a little less than the other. But all these counties are exactly in that position, and happen to be just under the number, but then hon. gentlemen must recollect, that the moment you go on to divide those townships in the descending scales, you are driven to get below your average. For instance, if in the division, the County of Norfolk was 29,281, the probability is, that one of your electoral divisions would be under 10,000. Of course there must be some line drawn, and the fairest way we thought was, to deal first exactly according to population. Well, we come now to other classes of electoral divisions. I am not going further into detail upon those points. We will take the County of Stormont, which is one of the smallest, but in order to carry out the principle of non-disfranchisement, it has been necessary to take a portion of it only, but that county, including Cornwall, would in no other case have any more representation in this House than now, and it would be the same in the House of Upper Canada as the other; they would have thought it hard if you had carried out the principle of population to its extreme point--the practical effect would be, that increasing your number from 46 to 65, the county would only have half the population it has now. I therefore think the hon. gentleman should have taken these points into consideration. The County of Russell, again, is amongst the smallest, even with the change which has been made, and it must be borne in mind, that taking the towns of Cornwall and Prescott and Russell, you will have the same representation--and if you abolish these small constituencies the effect would be, that that section of country would actually have a representative [*sic*] less than it now has. He would content himself then, with moving the first amendment in the first enacting clause¹⁸⁸: "That the words 'towns and' after the word 'Unions' in line 18 of page 1 (see 1,) be struck out, and the word 'ridings' between the word 'counties' and the word 'cities' in the said line."¹⁸⁹

MR. BROWN rose and said,--I confess, Sir, that a close inquiry into the details of this bill, as amended since the second reading, has robbed me of a great share of that interest which I have long felt in the scheme as one to reform the representation of the people in this House.¹⁹⁰ He had at first fully decided to vote for the bill of the government, but when he came to look at details, he felt staggered.¹⁹¹ I think the hon. Inspector General has not placed the question fairly before the committee. When he brought in his bill, he urged

its adoption mainly on the ground that it equalized the constituencies of Upper Canada, and gave as nearly as possible one member to 15,000 people; private pressure has been brought to bear upon him, since then:--he comes down with a new scheme, in which inequalities of the most unjust character abound--and feeling that his old argument will not suit the case, he now asks us to adopt his measure, because it will increase the number of representatives. (Hear, hear.) I am fully alive, Sir, to the benefit which would accrue from an increase of the representation--but the equal adjustment of the constituencies, so that the feelings of the people may be truly represented, outweighs that consideration in my mind, and I believe, in the opinion of the great mass of the people of Upper Canada. Representation by population, without regard to a separating line between Upper and Lower Canada, is what the Reformers of the Western Province were led to expect from the hands of the present Government. If ever a party came into an elective assembly pledged to any particular measure, the gentlemen from Upper Canada who sit on this side of the House, came here pledged to vote only for that principle. Platforms, conventions, meetings, addresses--all contained one prominent feature, "Representation by population."¹⁹² The Inspector General ought rather to have resigned, than to have abandoned that principle.¹⁹³ There is hardly one member who supports the Government from Upper Canada who did not solemnly pledge himself to it--and yet on my motion to place this bill on that basis, but two of them, I think were found, who did not falsify their promises. The hon. member for Lincoln, on that occasion said, "Oh, we are all for representation by population--but we cannot get it--we have not a majority--and therefore we will vote against it!" And when will they have a majority if they act thus--if they vote against their own principle? Is that the way to gain strength? For five years there has been a contest on this subject in the Reform ranks of Upper Canada; all admitted that population was the only true basis, but one party said we cannot with justice to Lower Canada insist on it yet--while the other clamoured for it at once, and denounced all dissentients as traitors to the cause. Now, sir, these gentlemen have the reins--a new census has been taken--the argument of justice once in the way has been removed--and yet here are the clamourers, who got to office by their clamours, repudiating their principles, and thinking it sufficient argument to say "we cannot do it!" I say, sir, these hon. gentlemen were bound to have stood by their principles and voted for my motion, whatever was the result. Ah, says an hon. member, had the motion succeeded the ministry would have been turned out! And who would not gladly see any ministry broken up to secure the acknowledgment of such a principle? What Upper Canadian would refuse his support--were it but temporary support--to any ministry that would stand or fall on representation by population without regard to a boundary line--and had a majority to effect it? Some gentlemen seem to think this an ordinary question--but it is the question of questions--it lays at the foundation of all reforms--it is in fact the great issue of progress in United Canada. (Hear, hear.) Can any one fail to see that so long as Lower Canada has one-half of the representation, and four fifths of the Lower Canada members vote together as one man--that by political divisions of Upper Canada, the views of such a compact body will control the most progressive opinions of the majority of the legislature? But once make population the basis, and the evil will be remedied. However, I have put my views upon record in our Journals--on the members of the Administration be the responsibility of proceeding with this measure, without any attempt to place it on its true basis! And light as these gentlemen may think this responsibility, I can tell them it will not so be regarded in Upper Canada. They may think they are settling this question for many years by their bill, but they are mistaken; it is of too vital importance to be settled in so unjust a manner. (Hear, hear.) We cannot conceal from ourselves that when the first election takes place under this bill--in the winter of 1855-6--¹⁹⁴

MR. J.A. MACDONALD.--It is to take place at once, if it passes.¹⁹⁵

MR. BROWN.--So we have been told, but I doubt it--we have to legislate upon the supposition that Parliament will run its ordinary term¹⁹⁶. Upper Canada had now 120,000 inhabitants more than Lower Canada. (Cries of no.) Yes; if hon. members took the ratio of increase since the Census was taken to be the same as before, they would find the figures he had mentioned correct¹⁹⁷; and I say if the population increases in the ratio at which it has progressed heretofore, there will be 300,000 more people in Upper than in Lower Canada at the next election. By the close of the first Parliament chosen under this bill, the population of Western Canada will be nearly double that of the Eastern section. Do they imagine the Upper Canadians will submit to that? The argument that Lower Canada had for years the disadvantage of unequal representation is completely met by the fact that when this bill comes into operation, the debt will have been fully satisfied. There is this consideration, moreover, to enhance the culpability of the Government in not placing the representation on a sound permanent basis--that every day which passes renders the question more difficult of a fair adjustment. Were population now made the basis, the inequality in the legislature not being great, no immediate effect would be felt in political combinations--but suffer a few years to pass, and the immediate effect of doing justice to Upper Canada will be so great and so evident, that the opposition cannot fail to be of the most violent character. The question must ultimately be settled--never will another opportunity such as this present itself--¹⁹⁸

MR. INSP. GEN. HINCKS: Go for a dissolution of the Union at once!¹⁹⁹

MR. BROWN.--The Inspector General says that this amounts to a demand for a dissolution of the Union! That is his language here--but let me tell him that such was not the language of his supporters at the hustings--and that it is not such language as he or they dare speak in Upper Canada, or that their constituents will submit to. (Hear, hear.) I do think, Mr. Chairman, that such language comes very ill from a representative of Upper Canada. As the leader of a professedly progressive party, the hon. gentleman is not true to his duty when he preaches such doctrine. (Hear, hear.) Why should a pure act of justice dissolve the Union? Have we heard such an idea suggested by any gentleman of Lower Canada? No, sir,--this cry is got up as a mere cover for recreancy to principles long professed by Upper Canadian representatives. The Inspector General is well content with things as they are--he does not want to cure the injustice to Upper Canada. But if he does not--his constituents do. A Convention of Reform delegates from the several sections of Oxford, previous to last election, sent the hon. gentleman a list of principles and measures upon which they called on him to express his sentiments ere they would return him--and in that list stood prominently "representation by population." It is true the hon. gentleman told them he would not subscribe--but that fact has not affected their sentiments, however it may his--²⁰⁰

MR. INSP. GEN. HINCKS.--I deny most distinctly that the persons who sent me that pledge, and who called themselves "delegates" represented the feelings of the Reformers of Oxford. I brought those very delegates up before a public meeting of the electors, and showed that their proceedings met no sympathy from them.²⁰¹

MR. BROWN.--These are brave words for the hon. gentleman to use now--but with some knowledge of the constituency I believe that that same convention gave as fair a representation of the feelings of the Reform party of Oxford as ever was assembled--and I am very sure that there were those upon it who hold in his hands the result of the hon. gentleman's election. But, Mr. Chairman, I have recorded my views that this bill ought to be based upon population;

and having failed in that, the next question is, whether the scheme of the Government ought or ought not to be supported? There can be no doubt that the number of representatives is too small--that the influence of the Government in a house of 84 is almost irresistible from the number of members receiving emolument from the Executive. So far, the bill is an improvement on the existing system. It is equally true, that the distribution of the representation through Upper Canada is grossly unjust--that one member sits for 1,500 persons while another sits for 60,000 persons--and that the new scheme removes the most glaring of the existing inequalities. To this further extent, the Bill is, therefore, an improvement. But in looking carefully into the scheme as amended by the Inspector General, I do not think that he has carried out his principles of equality--on the contrary, it seems to me his bill perpetuates the evil it proposed to remedy, though in a modified form. The hon. gentleman says it is very easy to class the small places together and the large ones together and make out a strong case against his bill or against any bill. What other way is there of testing the merit of his scheme? When he told us in introducing his measure that each constituency of 15,000 was to have a member, he surely expected that we were to try the accuracy of his statement by comparing it with the bill? Since the hon. gentleman's proposed amendments were distributed, I have drawn out a list of the constituencies as they will stand, should the bill pass as he now proposes--and I find not only that gross inequalities will still exist between different constituencies, but that particular sections of the country are favoured to a most unjustifiable extent. With the leave of the Committee, I will read the list of the constituencies with the population of each:--

| | | | |
|---------------------------------|--------|---------------------------------|--------|
| Niagara, | 5,590 | Simcoe, South, | 15,508 |
| Cornwall, | 6,353 | Perth, | 15,545 |
| London, | 7,035 | Oxford, South, | 15,555 |
| Bytown, | 7,760 | Wentworth, E., | 15,573 |
| Elgin, West, | 8,237 | Northumberland, East, | 15,829 |
| Stormont, | 8,290 | Ontario, South, | 15,875 |
| Brockville, | 8,454 | Waterloo, South, | 16,050 |
| Russell, | 8,925 | Middlesex, East, | 16,207 |
| Renfrew, | 9,415 | York, West, | 16,224 |
| Leeds, South, | 9,782 | Middlesex, West, | 16,657 |
| Lanark, North, | 10,361 | York, North, | 16,712 |
| Prescott, | 10,487 | Durham, North, | 16,765 |
| Waterloo, North, | 10,487 | Essex, | 16,817 |
| Lambton, | 10,815 | Lanark, South, | 16,956 |
| Brant, East, | 11,250 | York, East, | 17,013 |
| Kingston, | 11,585 | Oxford, North, | 17,083 |
| Victoria, | 11,657 | Elgin, East, | 17,181 |
| Simcoe, North, | 11,657 | Kent, | 17,469 |
| Leeds, North, | 11,778 | Carleton, | 17,582 |
| Hastings, North, | 12,165 | Glengarry, | 17,596 |
| Wellington, N., | 12,255 | Lincoln, | 18,218 |
| Wentworth, W., | 12,934 | Halton, | 18,322 |
| Grey, | 13,217 | Haldimand, | 18,788 |
| Ontario, North, | 13,696 | Prince Edward, | 18,887 |
| Dundas, | 13,811 | Frontenac, | 19,151 |
| Durham, South, | 13,965 | Hastings, South, | 19,812 |
| Hamilton, | 14,112 | Welland, | 20,141 |
| Brant, West, | 14,176 | Grenville, | 20,707 |
| Wellington, S., | 14,541 | Norfolk, | 21,201 |
| Peterboro', | 15,237 | Huron & Bruce, | 22,035 |
| Toronto, | 15,387 | Lennox & Addington, | 23,120 |
| Toronto, | 15,388 | Peel, | 24,816 |
| Northumberland, West, | 15,400 | | |

Any hon. gentleman who will look at this list, will see at once how unfair is the distribution. Under it, ten members will sit for a constituency of 79,841, and other ten for a constituency of 208,737! (Hear, hear.) Twenty members will sit for a population of 492,083, other twenty will sit for 382,539! (Hear, hear.) One-half the House will sit for 370,418 persons--the other half for 581,586. (Loud cries of hear, hear.) Nothing could be more unjust; and for my part, I cannot see how such a scheme can well be justified before the country. And the worst feature of it is, that this glaring inequality is perpetuated apparently for the benefit of one section of the country--the eastern district. Ten eastern constituencies--Cornwall, Bytown, Stormont, Brockville, Russell, Renfrew, Leeds S., Prescott, Leeds N., and Lanark N.--with an aggregate population of 91,603 are to have ten members; while the old Home District, with a population of 162,276 is to have but the same! Nay, ten constituencies along the Erie and Huron shores--namely, Welland, Haldimand, Norfolk, Oxford North, Middlesex E. & W., Elgin E., Kent, Essex and Huron--with 183,659 people are to have but ten, though more than double the ten eastern constituencies I have named! (Hear, hear.) Does the hon. gentleman pretend to say that there is here any attempt at equality--that gross injustice is not perpetrated on the west for the benefit of the East? Oh, says the Hon. Attorney General, who has taken good care to provide liberally for himself under the bill--we must consider that the small towns are not to be disfranchised, and this causes the inequality in favour of the Eastern section! And why, pray, are they not disfranchised? Have not the Reform party declaimed against them for years? And are we to perpetuate them when we have the power to abolish them? The manoeuvre of throwing the township next to each of these boroughs along with them is a mere delusion--so long as the population is but a handful, and the country from which the township is taken, too small before, is thereby reduced far under the population of other constituencies. On the whole, sir, it does appear to me that the hon. gentleman has not sought to do equal justice to all parts of the country,--and that by increasing the number to 130 from 120 as at first proposed, he has greatly increased his difficulties. He tells us, "well, if my scheme is unequal, two of my colleagues suffer from it and they make no complaint." The hon. gentleman alludes to the counties of Huron and Norfolk--but what have we to do with the willingness of the members for these counties to permit injustice to their constituents? We cannot tell how long these gentlemen may represent these counties, and it is as much our duty to see justice done to them, as to protect our own constituencies from unfairness. I do hope, sir, that the hon. gentleman will look again into the operation of his scheme, and before he presents it to us to-morrow, that he will be prepared to make such further amendments as will render it more just to all.²⁰²

MR. INSP. GEN. HINCKS: If it appears so easy to the hon. gentleman--let him propose a scheme of his own! I will give it every consideration, if he can show how, we can adhere to population as a basis!²⁰³

MR. BROWN.--It is not my business to frame measures for the Government.²⁰⁴ But is yours to get the union act changed rather than bring forward your present scheme.²⁰⁵

Hear, hear and laughter from the Treasury Benches.²⁰⁶

MR. BROWN [continued:] Let the Hon. gentlemen hear me out before they bawl so loudly.--(Hear, hear.)--I say, sir, it is not my duty as an independent member of this house to bring forward measures of this kind, but I am well assured that in two hours I could frame one much more equitable and greatly less objectionable to the country than this of the Inspector General.²⁰⁷

MR. INSP. GEN. HINCKS.--If we had to deal with a question that required only a majority of the house, it would not involve the difficulty which this

does. As the case stands, the minister must look to what he can carry, not to what he would desire to carry.²⁰⁸

MR. BROWN.--The Hon. gentleman I suspect does not confine the application of this doctrine simply to measures dependant on a two-thirds vote--his rule of expediency takes a much wider range. I admit that to a certain extent this principle of expediency must be adopted in carrying this bill--but what I do complain of is, that the hon. gentleman makes no attempt to carry it as it ought to be. Instead of resisting the unjust claims of members, he makes himself their advocate--claims that they have not the hardihood to put forth openly for themselves, he boldly enunciates--and defends. (Hear, hear.) He has readily submitted to unjust demands which he might have resisted--he has created new demands by his advocacy of injustice. Why is he always preaching to us of the irregularity of the present divisions as a justification for continuing them? If past inequality is an argument for anything, it is in favour of sharp justice to these favoured localities. I do believe, Sir, that if the hon. gentleman had come down here, boldly and frankly, with a scheme strictly based on population, and said "I will take this and no other," he would have carried it without difficulty. The moment he tampered with justice, that moment he exposed himself to solicitation from every quarter. One thing will be interesting to notice--if this principle of vested rights, is to be applied to Cornwall and Brockville, and Russell and Niagara, is it to be applied as well to the British constituencies of Lower Canada? There are now thirteen of them--and if the hon. gentleman's argument is good up above, it must be equally good down here. I hope, Mr. Chairman, that the hon. Inspector General will remove the worst defects of his measure, and enable us to vote for it with a clear conscience. I readily admit that it is an improvement on the system under which we now sit--but the injustice continued under it is so great that to vote for it would be but a choice of evils.²⁰⁹

MR. LANGTON did not think it was fair that when an hon. member made what were very fair criticisms on the bill, he should be taunted by the Government, and asked to bring forward his scheme. The Inspector General should rather answer the objections made against the bill, and not try to throw the responsibility on the hon. member for Kent. He (Mr. L.) had no doubt that the member for Kent could, if he tried, bring in a better plan than the one before them, and he agreed with him that if the number of 120 members had been kept, it would have been more easy to make a fair arrangement. The hon. member for Kent could not, perhaps, get as many votes were he to introduce a scheme, as the Inspector General would, although his scheme might be a better one. The Inspector General had acknowledged that it is his object so to frame his bill that it shall get votes enough to carry it through, and that that is the only way in which he can carry such a measure. It has been said that one can prove anything by figures, and the hon. member for Kent had been found fault with for the calculations that he made; but he (Mr. L.) had taken the trouble to prepare a similar statement, and he could not see that there was anything unfair in the way in which it was done. He found that the number varied very gradually between the extremes from 5,000 to 24,000. If they took the whole numbers, they would increase the difference, it was true, yet still, that was the fairest way of showing how great the disproportion was. It is not a question of one member against another; but to arrange one constituency fairly with regard to another. The argument of the member for Kent was therefore just. That hon. member also said that there was one locality that appeared to be particularly favoured by the gentlemen opposite. That lying along the banks of the St. Lawrence, where there were the small constituencies of Russell, Prescott, Brockville, Cornwall, &c. Now, if they took all the constituencies of 10,000 and under, they would find that there were eleven east of Kingston, and five west of Kingston.²¹⁰

MR. INSP. GEN. HINCKS said, that they should compare it with the existing state of things.²¹¹

MR. LANGTON understood that the object of the Inspector General was to remedy existing evils--not to make new ones. He (the Inspector General) tells us, that the bill is to be based on representation, with a due regard to the rights already held by different constituencies. He knew that they might lose a vote, but was that any reason why they should perpetuate the present system? He was willing to allow, that by this bill there would be less disproportion than there is at present, but he thought that the Inspector General should have endeavoured to arrive a little nearer to perfection.²¹²

MR. INSP. GEN. HINCKS said, that the course they had taken was forced on them by the conduct of the gentlemen opposite.²¹³

MR. LANGTON thought that when a bill like this, which was called a transcript of the Great Reform bill of England, something ought to be looked for beyond getting a vote here and a vote there. It was no harm not to give a vote to Lennox and Addington, because the hon. member for those counties would vote against the bill at any rate.²¹⁴

MR. INSP. GEN. HINCKS said, that if the hon. gentleman could show him a county as large as Lennox and Addington, which was to have two members, he would give in.²¹⁵

MR. BROWN.--As the hon. gentleman asks a question, I will answer it. (Cries of order.) I will mention the County of Leeds.²¹⁶

MR. LANGTON continued: the County of Leeds when supposed to have 30,000 inhabitants, was to get two members. It was now reduced to 20,000 inhabitants, and yet because it had been promised two members it was still to have them; in fact it was to have three members, for a portion of it was taken to join with the town of Brockville. So that this county was still to have two members, just because they had previously talked of giving it two.²¹⁷

MR. INSP. GEN. HINCKS said, that it would have two members and a portion of a third.²¹⁸

MR. LANGTON continued: By the first bill Russell was to be joined to Prescott, but again there was a difficulty about getting the proper number of votes for the member for Russell would perhaps oppose the bill if his county were disfranchised, so that they must give a member to each. He thought he had shown that the Inspector General had not carried out his idea of basing his representation on population very exactly. The counties of Lennox and Addington were to be united, but now they were to be separated to get another vote for the bill. In some respects, the bill was very fair. It was so with regard to the Eastern and Western sections of the Province, taking Toronto as a centre; but when they came to look into the details, they found that all this was destroyed for the sake of carrying the bill. The Inspector General had ruined it, but he (Mr. L.) was not quite sure but that honesty was the best policy, and that it would be found so in this matter as well as in anything else, and that a principle should have been laid down on which to proceed, and that they should have stuck to it. He thought the county of Huron hardly dealt with. If there was a county in the bill entitled to two members, the county of Huron was, as it was so rapidly increasing in wealth and population; yet that county was only to have one member, while the county of Leeds was to have two. This was the most glaring inconsistency in the bill; but as both the gentlemen representing these counties were supporting the hon. Inspector General, he perhaps thought it was quite fair to take from the one to give to the other. The counties of Huron and Bruce, with 22,000 inhabitants, were thus

to have only one member, while the county of Leeds, with only 20,000 inhabitants, after taking away the township of Elizabethtown, was to have two members. In consequence of the very short time allowed them to examine into the bill, he should not take up the time of the House any further, but he should take another opportunity of doing so. He had, however, mentioned those points that he thought most objectionable in the measure.²¹⁹

Some desultory conversation took place²²⁰.

MR. MACKENZIE said, I don't understand what reason there is, that 4,000 or 5,000 people fast augmenting, should be mixed up with another 18,000 whilst at the same time, 5,000 just by them get the same right of voting. Is there any reason in it? Why is it said that the Town of Niagara with 5,000 inhabitants shall have the same number of representatives as the rest, round St. Catharines [sic] and so on. There are other absurdities like it. (Hear, hear.)²²¹

MR. J.A. MACDONALD.--As far as the intimation has been made, that the Conservative party had ever anything to do with Lord Sydenham's administration, I think that the hon. Inspector General had a great deal more to do with it. I am sure though, that the hon. gentleman entered into that Government with all his heart, zeal, and ability, that he supported that administration, and the bill with much more zest than any gentleman on this side of the House. It is the first time that I ever heard of the Conservative party following the lead of Lord Sydenham. I confess this is not a perfect bill--we might have introduced one, but the hon. gentleman uses the kind of morality which you find in the beggars, "we would be honest if we could."²²²

MR. COM. PUB. WORKS CHABOT.--If we had to deal with honest people.²²³

MR. J.A. MACDONALD.--He has had nothing to do with honest people lately; he has got corrupted. Look for a moment at the lowest constituencies, which are 1,346, and the highest, 6,000. I would ask whether they warrant the establishment of any rule, or serve as a criterion. There is some sense in the present divisions as made by Lord Sydenham. The object of that bill was, that the agricultural people should be represented by the counties, and so on, otherwise there was no object in granting members to represent the commercial classes. The object is to destroy the commercial interest, and to bring in a large tract of surrounding agricultural population, and instead of leaving commercial interests to be protected in this House, it makes them all small counties. How often have the Reformers spoken against the county of Russell? There was some reason in keeping up these small lands to return commercial men, but now we have a series of "Russells" established in Cornwall, and Niagara, and elsewhere; and indeed, the hon. member for Cornwall cannot go back and be replaced by his constituents, if he goes on in this way. The hon. member for Cornwall has been obliged to have his town destroyed, and with it the commercial interest thereof.²²⁴

MR. AT. GEN. RICHARDS.--I apprehend commercial interest will not suffer much, and with regard to the question of principle, the hon. gentleman knows perfectly well, that so far as this proposition was brought down here, the Government were desirous of giving a proper character to the bill, but the House seemed opposed to the scheme. But I understand the hon. gentleman does not want to change the representation at all, and the hon. members for Kent and Peterboro' really desire, as they say, to have an improvement upon the present system, and admit that it is imperfect. I can only say that if we are not exactly satisfied with the hon. member for Kingston, we, at all events, cannot be satisfied with them. We shall perhaps be inclined to join with the spirit of the passage in the Beggar's Opera, "How happy we should be with either, were t'other dear charmer away." Let me ask the last hon. gentleman whether it

is or not desirable to improve the present system: Government is bound to improve it. Now, with regard to the question of increase, has not the effect been rather to diminish the influence in this House of that part of the section of country in which the hon. gentleman alluded? Has not the practical effect been to give to the Western section an increase of three members, whilst for the other they only kept two? That has been the effect undoubtedly. Then with regard to statements made by the hon. member for Peterborough, that the population may be considered as divided by Toronto, and that taking the two sections of country, east and west of Toronto, he does not object. I say, let him console himself with this, that when the population of the country increases to such an extent that it becomes objectionable, the majority in this House can put it right. (Hear, hear.)²²⁵

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again To-morrow, and that it be then the first Order of the day, and take precedence of Notices of Motions.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Attorney General Richards, seconded by Mr. Seymour,
*The House adjourned.*²²⁶

FOOTNOTES: 15 MARCH 1853.

1. This referral was reported in identical accounts by: MORNING CHRONICLE, 18 March 1853, and BRITISH COLONIST, 26 March 1853. It was noted by JOURNAL DE QUEBEC, 17 March 1853.
2. MORNING CHRONICLE, 18 March 1853.
3. This discussion was reported by GLOBE, 26 March 1853, as having taken place immediately before the Real Property Bill and by MORNING CHRONICLE, 18 March 1853, as having taken place immediately before the reporting of the Emigration and Quarantine Bill. Its placement here is therefore arbitrary.
4. The following papers reported this question of order in identical accounts: MORNING CHRONICLE, 18 March 1853, MONTREAL GAZETTE, 21 March 1853, PILOT, 22 March 1853, BRITISH COLONIST, 25 March 1853, HAMILTON SPECTATOR DAILY, 26 March 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 26 March 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN SEMI-WEEKLY, 29 March 1853, HAMILTON SPECTATOR WEEKLY, 31 March 1853 (which copied from QUEBEC MERCURY of unknown date), and NORTH AMERICAN WEEKLY, 31 March 1853; HAMILTON SPECTATOR DAILY, 26 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 26 March 1853, and HAMILTON SPECTATOR WEEKLY, 31 March 1853 (all three of which appeared in separate accounts and copied from TORONTO PATRIOT of unknown date). This matter was also reported by GLOBE, 26 March 1853. The following papers noted this matter in identical accounts: HAMILTON SPECTATOR DAILY, 16 March 1853, and GLOBE, 17 March 1853.
5. GLOBE, 26 March 1853.
6. IBID.
7. MORNING CHRONICLE, 18 March 1853.
8. GLOBE, 26 March 1853.
9. MORNING CHRONICLE, 18 March 1853.
10. GLOBE, 26 March 1853.
11. HAMILTON SPECTATOR DAILY, 26 March 1853.
12. MORNING CHRONICLE, 18 March 1853.
13. HAMILTON SPECTATOR DAILY, 26 March 1853.
14. GLOBE, 26 March 1853.
15. MORNING CHRONICLE, 18 March 1853.
16. HAMILTON SPECTATOR DAILY, 26 March 1853.
17. MORNING CHRONICLE, 18 March 1853.
18. HAMILTON SPECTATOR DAILY, 26 March 1853.
19. IBID., 16 March 1853.
20. GLOBE, 26 March 1853, which commented that "After a long and very warm discussion, the Speaker decided in favour of the Ministry, and the matter dropped."
21. MORNING CHRONICLE, 18 March 1853.
22. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 18 March 1853, MONTREAL GAZETTE, 21 March 1853, PILOT, 22 March 1853, BRITISH COLONIST, 26 March 1853, HAMILTON SPECTATOR DAILY, 26 March 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 26 March 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN SEMI-WEEKLY, 29 March 1853, HAMILTON SPECTATOR WEEKLY, 31 March 1853 (which copied from QUEBEC MERCURY of unknown date), and NORTH AMERICAN WEEKLY, 31 March 1853. The debate was also reported by GLOBE, 29 March 1853. The debate was noted by GLOBE, 26 March 1853. All accounts but that of GLOBE, 26 March 1853, reported the discussion on this and the following Bill as if forming one debate.

23. GLOBE, 26 March 1853. MORNING CHRONICLE, 18 March 1853, reported the discussion on this matter as having taken place after the second reading in Committee, but the JOURNALS do not substantiate this.
24. GLOBE, 29 March 1853.
25. IBID.
26. MORNING CHRONICLE, 18 March 1853.
27. GLOBE, 29 March 1853.
28. IBID.
29. GLOBE, 29 March 1853. MORNING CHRONICLE, 18 March 1853, reported that Mr. Richards "spoke in so low a tone that his remarks did not reach the reporter's gallery."
30. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 18 March 1853, MONTREAL GAZETTE, 21 March 1853, PILOT, 22 March 1853, BRITISH COLONIST, 26 March 1853, HAMILTON SPECTATOR DAILY, 26 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 26 March 1853, NORTH AMERICAN SEMI-WEEKLY, 29 March 1853, HAMILTON SPECTATOR WEEKLY, 31 March 1853, and NORTH AMERICAN WEEKLY, 31 March 1853. The debate was also reported by GLOBE, 29 March 1853. The debate was noted by GLOBE, 26 March 1853. All accounts but that of GLOBE, 26 March 1853, report the discussion on this and the preceding Bill as if forming one debate.
31. GLOBE, 29 March 1853.
32. IBID., 26 March 1853.
33. MORNING CHRONICLE, 18 March 1853.
34. GLOBE, 29 March 1853.
35. IBID.
36. IBID.
37. IBID.
38. MORNING CHRONICLE, 18 March 1853.
39. GLOBE, 29 March 1853.
40. MORNING CHRONICLE, 18 March 1853.
41. GLOBE, 29 March 1853.
42. MORNING CHRONICLE, 18 March 1853.
43. GLOBE, 29 March 1853.
44. MORNING CHRONICLE, 18 March 1853.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. MORNING CHRONICLE, 18 March 1853, reported that "the bill was passed through committee."
50. The following papers reported the debate on this matter in identical accounts, erroneously stating that "Mr. Hincks moved that the order of the day for the second reading of the representation bill be taken up": MORNING CHRONICLE, 18 March 1853, MONTREAL GAZETTE, 21 March 1853, PILOT, 22 March 1853, BRITISH COLONIST, 25 March 1853, HAMILTON SPECTATOR DAILY, 26 March 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 26 March 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN SEMI-WEEKLY, 29 March 1853, HAMILTON SPECTATOR WEEKLY, 31 March 1853 (which copied from QUEBEC MERCURY of unknown date), and NORTH AMERICAN WEEKLY, 31 March 1853. The following papers also reported the debate in separate, identical accounts: HAMILTON SPECTATOR DAILY, 26 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 26 March 1853, and HAMILTON SPECTATOR WEEKLY, 31 March 1853 (all three of which copied from TORONTO PATRIOT of unknown date). The debate was also reported by GLOBE, 26 March 1853. The following papers noted the debate in identical accounts: GLOBE, 17 March 1853, HAMILTON SPECTATOR DAILY, 17 March 1853, PILOT, 17 March 1853,

HAMILTON SPECTATOR DAILY, 19 March 1853, and EXAMINER, 23 March 1853.

51. GLOBE, 26 March 1853.
52. MORNING CHRONICLE, 18 March 1853.
53. GLOBE, 26 March 1853.
54. IBID.
55. IBID.
56. MORNING CHRONICLE, 18 March 1853.
57. GLOBE, 26 March 1853.
58. IBID.
59. IBID.
60. MORNING CHRONICLE, 18 March 1853.
61. GLOBE, 26 March 1853.
62. IBID.
63. IBID.
64. IBID.
65. MORNING CHRONICLE, 18 March 1853.
66. GLOBE, 26 March 1853.
67. MORNING CHRONICLE, 18 March 1853.
68. GLOBE, 26 March 1853.
69. IBID.
70. MORNING CHRONICLE, 18 March 1853.
71. IBID.
72. GLOBE, 26 March 1853.
73. HAMILTON SPECTATOR DAILY, 26 March 1853.
74. GLOBE, 26 March 1853.
75. HAMILTON SPECTATOR DAILY, 26 March 1853.
76. GLOBE, 26 March 1853.
77. HAMILTON SPECTATOR DAILY, 26 March 1853.
78. MORNING CHRONICLE, 18 March 1853.
79. HAMILTON SPECTATOR DAILY, 26 March 1853.
80. GLOBE, 26 March 1853.
81. MORNING CHRONICLE, 18 March 1853.
82. GLOBE, 26 March 1853.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. MORNING CHRONICLE, 18 March 1853.
90. GLOBE, 26 March 1853.
91. MORNING CHRONICLE, 18 March 1853.
92. GLOBE, 26 March 1853.
93. MORNING CHRONICLE, 18 March 1853.
94. GLOBE, 26 March 1853.
95. MORNING CHRONICLE, 18 March 1853.
96. GLOBE, 26 March 1853.
97. MORNING CHRONICLE, 18 March 1853.
98. GLOBE, 26 March 1853.
99. MORNING CHRONICLE, 18 March 1853. HAMILTON SPECTATOR DAILY, 26 March 1853, commented that "Mr. McKenzie, who, since his sleepy vote on Mr. Drummond's celebrated Ecclesiastical and other Corporations Bill, has been giving a rather wide awake support to the Ministry, came to Mr. Hinck's [sic] aid; and gave the hundred and first edition of his stereotyped attack upon the ghost of old family compactism."
100. MORNING CHRONICLE, 18 March 1853.
101. GLOBE, 26 March 1853.

102. MORNING CHRONICLE, 18 March 1853.
103. GLOBE, 26 March 1853.
104. MORNING CHRONICLE, 18 March 1853.
105. GLOBE, 26 March 1853.
106. IBID.
107. IBID.
108. MORNING CHRONICLE, 18 March 1853.
109. GLOBE, 26 March 1853.
110. MORNING CHRONICLE, 18 March 1853.
111. GLOBE, 26 March 1853.
112. MORNING CHRONICLE, 18 March 1853.
113. GLOBE, 26 March 1853.
114. MORNING CHRONICLE, 18 March 1853.
115. GLOBE, 26 March 1853.
116. IBID.
117. MORNING CHRONICLE, 18 March 1853.
118. IBID.
119. GLOBE, 26 March 1853.
120. MORNING CHRONICLE, 18 March 1853.
121. GLOBE, 26 March 1853.
122. MORNING CHRONICLE, 18 March 1853.
123. IBID.
124. GLOBE, 26 March 1853.
125. IBID.
126. GLOBE, 26 March 1853. MORNING CHRONICLE, 18 March 1853, reported that the hon. member moved that "the House go into committee on the bill on Tuesday next."
127. MORNING CHRONICLE, 18 March 1853.
128. IBID.
129. IBID.
130. HAMILTON SPECTATOR DAILY, 26 March 1853.
131. IBID. The reporter commented that "I hate the American, and Parliamentary vulgarity of calling a person Colonel who is a mere militia officer...."
132. MORNING CHRONICLE, 18 March 1853.
133. HAMILTON SPECTATOR DAILY, 26 March 1853.
134. IBID.
135. The following papers reported this debate in Committee in identical accounts: MORNING CHRONICLE, 18 March 1853, MONTREAL GAZETTE, 21 March 1853, PILOT, 22 March 1853, BRITISH COLONIST, 25 March 1853, HAMILTON SPECTATOR DAILY, 26 March 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 26 March 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN SEMI-WEEKLY, 29 March 1853, HAMILTON SPECTATOR WEEKLY, 31 March 1853 (which copied from QUEBEC MERCURY of unknown date), and NORTH AMERICAN WEEKLY, 31 March 1853. The debate was also reported by GLOBE, 26 March 1853. The debate was noted by JOURNAL DE QUEBEC, 17 March 1853. The following papers identically noted that "the debate was continued in committee until past midnight....": GLOBE, 17 March 1853, PILOT, 17 March 1853, and HAMILTON SPECTATOR DAILY, 19 March 1853.
136. GLOBE, 26 March 1853.
137. IBID.
138. MORNING CHRONICLE, 18 March 1853.
139. GLOBE, 26 March 1853.
140. MORNING CHRONICLE, 18 March 1853.
141. GLOBE, 26 March 1853.
142. MORNING CHRONICLE, 18 March 1853.
143. GLOBE, 26 March 1853.

144. MORNING CHRONICLE, 18 March 1853.
145. GLOBE, 26 March 1853.
146. IBID.
147. IBID.
148. MORNING CHRONICLE, 18 March 1853.
149. GLOBE, 26 March 1853.
150. IBID.
151. IBID.
152. IBID.
153. MORNING CHRONICLE, 18 March 1853.
154. GLOBE, 26 March 1853.
155. IBID.
156. IBID.
157. MORNING CHRONICLE, 18 March 1853.
158. GLOBE, 26 March 1853.
159. MORNING CHRONICLE, 18 March 1853.
160. GLOBE, 26 March 1853.
161. MORNING CHRONICLE, 18 March 1853.
162. GLOBE, 26 March 1853.
163. MORNING CHRONICLE, 18 March 1853.
164. GLOBE, 26 March 1853.
165. MORNING CHRONICLE, 18 March 1853.
166. GLOBE, 26 March 1853.
167. IBID.
168. IBID.
169. IBID.
170. IBID.
171. IBID.
172. IBID.
173. IBID.
174. IBID.
175. MORNING CHRONICLE, 18 March 1853.
176. GLOBE, 26 March 1853.
177. IBID.
178. IBID.
179. IBID.
180. IBID.
181. IBID.
182. IBID.
183. IBID.
184. IBID.
185. IBID.
186. IBID.
187. IBID.
188. IBID.
189. MORNING CHRONICLE, 18 March 1853.
190. GLOBE, 26 March 1853.
191. MORNING CHRONICLE, 18 March 1853.
192. GLOBE, 26 March 1853.
193. MORNING CHRONICLE, 18 March 1853.
194. GLOBE, 26 March 1853.
195. IBID.
196. IBID.
197. MORNING CHRONICLE, 18 March 1853.
198. GLOBE, 26 March 1853.
199. IBID.
200. IBID.

201. IBID.
202. IBID.
203. IBID.
204. IBID.
205. MORNING CHRONICLE, 18 March 1853.
206. GLOBE, 26 March 1853.
207. IBID.
208. IBID.
209. IBID.
210. IBID.
211. IBID.
212. IBID.
213. IBID.
214. IBID.
215. IBID.
216. IBID.
217. IBID.
218. IBID.
219. IBID.
220. IBID.
221. IBID.
222. IBID.
223. IBID.
224. IBID.
225. IBID.
226. MORNING CHRONICLE, 17 March 1853, reported that the "House adjourned at 25 minutes to 4."

WEDNESDAY, 16 MARCH 1853.

(589)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Wright of the West Riding of York,--The Petition of Mrs. Ellen Daniell, of the Township of Toronto, County of Peel, and others.

By Mr. Valois,--The Petition of Jean Bruneau and others, Proprietors of Farms situated at Rivière St. Pierre, Lower Lachine, County of Montreal.

By Mr. Wright of the East Riding of York,--The Petition of William Lyon Mackenzie, Esquire, Executor to the Estate of the late Robert Randall, Esquire.

By Mr. Smith of Durham,--The Petition of the Peterborough and Port Hope Railway Company.

By Mr. Ridout,--The Petition of the Toronto and Guelph Railway Company; and the Petition of John G. Bowes, Esquire, of the City of Toronto, and others.

By Mr. Polette,--The Petition of Julien Guerin and others, of St. Joachim, County of Montmorency; and the Petition of André Leroux Cardinal, Chief Messenger to this House.

Pursuant to the Order of the day, the following Petitions were read:--

Of H. Glass and others, of Sarnia; praying the adoption of measures to secure to the People of Canada the benefit of Ocean Penny Postage.

Of the Reverend J. McLachlan and others, of the Village of Acton; of Robert Hamilton and others, of the Village of Queenston and neighbourhood; of William Porterfield and others, of the Village of Dunville; of Francis Chapman and others, of the Village of Wallaceburgh; of John Burgess and others, of the Village of Brampton, Canada West; and of William Hepburne and others, of the Village of Chippawa and neighbourhood; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Provincial Canals.

Of W.B. Hamilton and others, of the Townships of Tiny and Tay; praying for the passing of an Act to prohibit the use of intoxicating Liquors, except for useful purposes.

Of the Reverend J.H. Sirois and others, of the Parish of St. Barnabé, County of St. Maurice; praying the adoption of certain measures to promote the settlement of the Township of Caxton, in the said County.

Of the Right Reverend the Lord Bishop of Montreal and others, the Patrons and Committee of Management of the Montreal Dispensary; praying for aid in behalf of the said Institution.

Of the Honorable John Young and the Honorable W. Badgley, of the City of Montreal; praying for an Act of Incorporation to construct a Building in the said City to be known as the "Montreal Exchange."

Of E.B. McCrady and others, the Municipal Councillors of the Township of South Dorchester; praying an Act of Incorporation for the construction of a Railroad from the Galt Junction of the Great Western Railway through St. Thomas to Malden on the Detroit River.

Of the Reverend J.L. Marceau and others, of the Parish of St. Fabien; praying that the proposed Grand Trunk Line of Railway to Trois Pistoles, may be continued to the Eastern limit of Canada, by way of Ristigouche [sic].

Of the Council of the Quebec Board of Trade; praying that such Vessels navigating the River St. Lawrence as do not require by their draft of water the deepening of Lake St. Peter, may be exempt from the payment of any Tax for such improvement.

Of the Reverend Augustin Millette and others, of St. Augustin and other

(590)

Parishes, in the County Portneuf; praying that the Road from Hough's Farm towards the St. Augustin Church may be macadamized according to the intention

of the Act 12 Vic. cap. 115, and that any Bill proposing to alter the same may not pass into Law.

Ordered, That the Petition of W.B. Hamilton and others, of the Township of Tiny and Tay, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

Resolved, That the Petition of the Municipal Council of the United Counties of Lincoln and Welland, relative to the Consolidated Municipal Loan Fund Act of Upper Canada, be referred to a Select Committee, composed of the Honorable Mr. Merritt, the Honorable Mr. Robinson, the Honorable Mr. Cameron, Mr. Street, and Mr. Christie of Wentworth, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That the Petition of the Municipal Council of the United Counties of Lincoln and Welland, relative to Joint Stock Companies for the construction of Public Works, be referred to the said Committee.

Sur motion de M. STUART,¹

(590)

Ordered, That the Petition of the Reverend L. Aubry and others, of the Parish of St. Léon, County of St. Maurice, relative to a Railroad on the North Shore of the River St. Lawrence between Quebec and Montreal, and all other Petitions on the same subject, received up to the tenth instant inclusive, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Twelfth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to incorporate the Ontario and Huron Railway Company, and have made several amendments to the same, which they beg leave to report for the consideration of Your Honorable House.

On motion of Mr. Street, seconded by Mr. McDonald of Cornwall,

Ordered, That the Select Committee on the Prince Edward Election Petition have leave to adjourn until Wednesday the thirtieth day of March instant, to give further time to the Counsel of the Petitioners to produce evidence in support of their case.

Mr. LeBlanc, from the Standing Committee on Standing Orders, presented to the House the Twenty-eighth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Joseph Bédard, and others, of the Parish of St. Roch, Quebec,--and of R.G. Belleau and others, of the Parish of Notre Dame de Québec, relating respectively to the election of Churchwardens and other matters connected with the administration of the said Parishes, and are of opinion that these Petitions are of a public nature, and therefore do not require the publication of Notice.

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Robinson,

Ordered, That the Bill to incorporate the Ontario and Huron Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

(591)

Ordered, That Mr. Dubord have leave to bring in a Bill to regulate the Elections of Churchwardens (Marquilliers) in the Parishes of Notre Dame de

Québec, St. Roch de Québec, and elsewhere.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Sur motion de M. PRES. EX. COUN. CAMERON,²

(591)

The Order of the day for the second reading of the Bill to restrain the manufacture, sale, and importation of intoxicating Liquors, in certain cases, being read;

Ordered, That the Bill be read a second time on Monday next, and be then the first Order of the day.

The Order of the day for the second reading of the Bill to incorporate the Hamilton and Port Dover Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to amend and consolidate the several Acts for the construction of Plank and other Roads by Joint Stock Companies in Upper Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Smith of Durham, Mr. White, Mr. Fergusson, Mr. Christie of Wentworth, Mr. Dixon, Mr. Gamble, the Honorable Mr. Hincks, and Mr. Langton, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to authorize the conveyance by the Catholic Parishioners of the Parish of St. Hyacinthe, of the personal property, buildings and immoveables appropriated to Divine Worship, and for other purposes therein mentioned, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to regulate the inspection of Pot and Pearl Ashes, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Hincks, the Honorable Mr. Young, Mr. Crawford, Mr. Ridout, and Mr. Dubord, to report thereon with all convenient speed, with power to send for persons, papers, and records.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, with Amendment; viz.:--

Bill, intituled, "An Act to extend the provisions of the Railway Companies Union Act to Companies whose Railways intersect the main Trunk Line, or touch places which the said Line also touches:"

Bill, intituled, "An Act to appropriate certain unexpended balances of the School Fund for Lower Canada, and certain other sums out of the Jesuits' Estates Fund, for Educational purposes in Lower Canada:" And also,

The Legislative Council have passed the Bill, intituled, "An Act to authorize the Company of Proprietors of the Champlain and Saint Lawrence Railroad to consolidate their Debt, and for other purposes," with several Amendments, to which they desire the concurrence of this House.

And then he withdrew.

Sur motion de M. BADGLEY,³

(592)

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to authorize the Company of Proprietors of the Champlain and Saint Lawrence Railroad to consolidate their Debt, and for other purposes;" and the same were read, as follow:--

Page 1, line 38. Leave out from "of" to "this" in line 39.

Page 2, line 9. Leave out "said" and after "Preamble" insert "to this Act."

Page 2, line 32. Leave out from "Gazette" to "to" in line 35.

Page 3, line 19. Leave out from "That" to "and" in line 27, and insert "each holder of a Bond already issued by the said Company as aforesaid, who shall so-signify, in writing as aforesaid, his intention either to take in exchange therefor another Bond as aforesaid, or to receive the amount thereof in cash as aforesaid, shall be bound by such signification, and that from and after the publication in the Canada Gazette, subsequent to the expiration of the thirty days above mentioned, of a notice by the said Company to the effect that it is prepared to redeem the Bonds for which money has been demanded and to issue new Bonds in exchange for those for which new Bonds have been demanded, the interest stipulated in such Bonds shall continue to accrue in respect thereof during sixty days only, or such shorter time as may elapse before the redemption or exchange thereof respectively as aforesaid, after which it shall wholly cease."

Page 7, line 15. Leave out from "Act" to "cited" in line 16.

Page 7, line 16. After "cited" insert "in the Preamble to this Act."

The said Amendments, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Badgley do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendments.

Mr. Speaker communicated to the House the following Letter:--

Government House,
Quebec, 16th March, 1853.

Sir,--I have the honor, by command of the Governor General, to inform you that it is His Excellency's intention to proceed to the Legislative Council Chamber, To-morrow, at half-past three o'clock, to assent in Her Majesty's Name, to certain Bills passed by the Legislative Council and Assembly.

I have the honor to be, Sir,

Your most obedient humble Servant

R. Bruce,
Governor's Secretary.

The Honorable The Speaker
of the Legislative Assembly.

On motion of MR. INSP. GEN. HINCKS,⁴

(592)

The House, according to Order, again resolved itself into a Committee on the Bill to enlarge the Representation of the People of this Province in Parliament;⁵

MR. MALLOCH ... [took] the chair.⁶

MR. INSP. GEN. HINCKS said, that in consequence of the remarks of the hon. member for Kent on the preceding evening,⁷ he had made a calculation to show the proportion existing between the representation and the population as at present constituted,⁸ which would show how much better the state of the representation would be under the proposed bill than it is at present.⁹ At present there are 49 members for the whole Province, and by dividing the country into

three sections, the Eastern, Midland, and Western, each being represented by 14 members, it would be found that to the Eastern section 14 members represented 200,000 inhabitants, being an average of one for every 14,270. In the Midland section 14 members represented 343,000 inhabitants, or one member for every 24,500.¹⁰ In the Western section 14 members represented a population of 385,000, or one for every 27,500. Such was the arrangement at present. Now by the proposed measure three additional members would be given to the Eastern section which would give one member for every 12,000 inhabitants. Then in the Midland section the number of members would be increased from 14 to 21, which would give one member for every 16,000 and the Western section would be increased from 14 to 27, or one member for every 14,000¹¹ or 15,000¹² inhabitants. By this calculation it would be seen that there would be no very great discrepancy between the representation of different localities. There had been great complaints made of the disproportion existing between the representation of the Eastern and Western portions of the Province, but it was very unfair to take, as had been done by the member for Kent, the largest and smallest to compare together. The only way to arrive at a fair comparison was to take the general average of the whole. In some cases from the strong local feelings that existed between different counties and the arrangements that had been made for municipal purposes, to make any change in the existing divisions, would be found to be exceedingly difficult. In the county of Elgin, for instance, it would be impossible to make any other divisions than those which exist at present. He (Mr. Hincks) believed that it was impossible to frame any bill more fair than the one before the House, unless by making a complete re-arrangement of the whole country which would be most ... inconvenient at the present time for municipal purposes. It would be much more convenient to take up the question of electoral divisions as a separate measure which could be done at any time as it only required a simple majority of the House to carry such a measure. With regard to the different sections of the province being unfairly represented; if the Eastern section has had a little more than it ought to have it must be remembered that it has only had an increase of three members while the Midland had an increase of seven and the Western of thirteen. He did not think it would be fair to reduce the members for the eastern section to any less a number than was proposed. He made these remarks in consequence of the attempt that had been made to show that there had been great injustice done to the Western portion of the Province in framing this bill. As he had said last night this was a measure that required to be so framed as to gain a majority of two-thirds; but if it had been a measure requiring merely a majority it might then be said that the Government should not come down to this House without a measure by which they stand or fall. He could assure the member for Kent that the Reformers of Upper Canada would condemn any member who should impede the passage of a bill like this. It had been said by the hon. member for Kent that the Government would carry an address to the Home Government requesting power to have the Union Act changed so as to allow a measure of this kind to be carried by a simple majority of the House; but such a thing was impracticable. He was sorry that the question of representation on population without regard to any dividing line between¹³ Upper and Lower Canada¹⁴ had been re-opened, and he repeated what he said, when the question was under discussion on the first introduction of the bill--that Lower Canada never would submit to such a measure¹⁵ [and] would not consent to have a less representation than Upper Canada, nor would he if he were a Lower Canadian¹⁶--that it never could be carried--that the attempt would lead to¹⁷ scenes of¹⁸ bloodshed and that those who demand it would go for a dissolution of the Union. (Cheers from the French members.) The people of Lower Canada did not want to put their constitution at the mercy of the member for Kent. (Cheers.) Lower Canada never could be governed by a majority from Upper Canada and in all countries where similar measures had

been tried the attempt had been a failure¹⁹.

SIR A. MACNAB said that Lord Sydenham had attempted to do so, and had carried people into Parliament by means of bludgeons, and that Mr. Hincks had been a member of his Administration when these things had been attempted.²⁰

MR. INSP. GEN. HINCKS denied this most emphatically, and desired it to be understood that he deliberately made the statement that he was not in the Government of Lord Sydenham, and he defied the hon. and gallant Knight to show that he had ever supported any such measure. It was true that the present Government was supported by Lower Canada members, but they did not want to govern Upper Canada.²¹

MR. ROBINSON stated that Upper Canada could not be governed against her wishes any more than Lower Canada.²² [He] said that there never was a question before the House that required so much explanation as this. The hon. Inspector told them that Lower Canada never would submit to such a measure, but does he suppose that Upper Canada will submit to a continuance of the present state of things? (Hear, hear.) The hon. gentleman appears to be desirous of legislating only for the present. (Hear.) One hon. gentleman speaks of dissolving the union, and another hon. gentleman hinted of the same thing, and said that it was a question of union or no union; well, the time might come when it would be necessary to consider that question. He did not see how the member for Kent could vote for this bill after what he had said on the previous night. If they passed that bill, it would be no easy matter to place the representation on any other basis, because in a House of 130 members it would be necessary to have a vote of 87 to carry any measure, and to make up that number 22 members from Lower Canada would have to vote in favor of the bill. That would not be expected, and as they could not have that it would be better to endure what they had at present than undertake that of which they knew nothing. He had been told that the Government had been writing to different parts of the country to prepare their friends for a new election. The members for Lower Canada, it is said, want to see what is the opinion of Upper Canada on the Clergy Reserve question, but they should vote according to what they think to be right and just. For what purpose the country was to be put to the expense of a new election he could not understand. He could not see that anything was to be gained by it. He could only say that when the Inspector General spoke of the great injury that would be done to Lower Canada by a representation based on population, it would be a much greater disadvantage to Upper Canada to submit long to the measure proposed by the hon. the Inspector General. How much better would it be to make a bill at once on a proper basis?²³ He denied there was any necessity for an increase of the representation²⁴ [and] he wished to protest on behalf of the people of Upper Canada against the proposed measure.²⁵

MR. INSP. GEN. HINCKS had never said that Upper Canada was to be governed against her will, but he did say she must take the constitution as she found it. If she did not like that constitution, then let her agitate for²⁶ a dissolution of the Union.²⁷ But he did not believe the union had been on the whole successful, although it might not in all things answer the anticipation of the most sanguine. It was necessarily in effect in many particulars a federal union, seeing that the race, language, and laws of the two sections were different, which rendered it impossible to make general laws to apply to local interests. He denied that any proposition had ever been entertained by the government²⁸ as to a dissolution of Parliament; and he had never written any letters proposing it, nor had any of his colleagues done so, for he had made particular enquiries as to what could have given rise to the statement.²⁹ He thought the hon. member (Mr. Robinson) was bound after his inuendo to make a specific charge.³⁰

MR. ROBINSON had understood a member of the government had written letters to Upper Canada, to the effect that it was to be prepared for a dissolution, as it might be at hand.³¹ [He then] read a letter in which it was stated that the Hon. Mr. Cameron (laughter) had written to his constituents about a new election that was to take place shortly.³²

MR. PRES. EX. COUN. CAMERON said that he had never written anything about a dissolution of Parliament. He might have said some time ago that it was likely that there would be a new election.³³ [OR] [He] denied that he had so written. He perhaps might have written a long time ago when the despatch of Sir John Pakington on the Clergy Reserves came out, that a dissolution might arise from it.³⁴

MR. ROBINSON said that the letter was dated March 31.³⁵

SIR A. MACNAB said it was very unfair for the President of the Council to make use of such means. He knew that it was the intention of the Government to have a new election, and³⁶ he knew the bill would be carried.³⁷ Hon. gentlemen had cut up their counties³⁸ so as to suit members who wished to be returned to the House again. This conduct of voting from personal motives instead of the public interests he strongly condemned.³⁹ The division should have been before the country for months before being decided on. The Inspector General was the last person that should make the assertion that the people of Upper Canada wanted to govern the people of Lower Canada. That had been done by Lord Sydenham who had driven numbers of men into the House by means of bludgeons. This had not been done by Conservatives, but by the Reformers of Upper Canada.⁴⁰ He contended the bill was in opposition to all the platforms of the reformers. He again condemned the haste with which the bill was being forced through the House, and said a measure of such importance ought to pass through by easy stages and after consultation with the constituencies. He made some farther remarks on the details of the bill.⁴¹

MR. AT. GEN. RICHARDS said it might suit the tactics of the hon. and gallant knight to dragoon hon. members to oppose the bill.⁴² [He] said that the hon. and gallant knight was very much afraid of this bill, and that he and his friends were afraid to go back to their constituents and say that they had opposed the bill. He wondered that the gallant Knight had the effrontery to state that the electoral divisions had been made to suit the view of any hon. gentleman in that House.⁴³ With respect to his (Mr. R.'s) county if he would consult the hon. member for Brockville, he would find that the division of Leeds was not to his (Mr. R.'s) advantage⁴⁴ and he appealed to the hon. member for Brockville to say whether that assertion was correct with regard to the county represented by him (Mr. R.).⁴⁵

MR. CRAWFORD said that the division of the County of Leeds was unfavourable to the Attorney General and he was quite sure that neither of the divisions would return the hon. Attorney General.⁴⁶

SIR A. MACNAB said he had written to a friend in Leeds, who had given him a different account.⁴⁷

MR. AT. GEN. RICHARDS went on to speak of the carrying of elections by means of bludgeons saying that the Conservatives were not the parties who should speak of that, and he then went on to contend that those hon. gentlemen who were in favor of an increase of the representation, but who did not think this bill was all it ought to be, should nevertheless support it as the only one that could be carried.⁴⁸ [He] contended that all the reforms the people demanded could not be obtained at once ... [and] believed gentlemen opposite ought to vote for this bill as an improvement on the present system.⁴⁹ No great measure

of this kind could be carried without mutual concession. He then spoke at some length in reply to remarks that had been made as to the means taken by the Government to obtain a sufficient number of votes to carry this measure.⁵⁰ Hon. members talked of buying votes, but he did not consider that adapting the bill to the views of members was buying votes. Measures of this kind required that public opinion should be consulted.⁵¹

Hear, hear from MR. GAMBLE.⁵²

MR. AT. GEN. RICHARDS went on to say that if Mr. Gamble were governed by the wishes of his constituents he would vote for this bill.⁵³

COL. PRINCE expressed his delight with the speech of the Attorney General, and made some remarks on his own ancestors [sic].⁵⁴

MR. BROWN expressed his great astonishment at the language which the Inspector General continued to adopt as to the question of representation by population. Not only does he bring in a bill in opposition to this principle--not only does he vote down an amendment to apply it to the measure, but he must needs denounce the bare suggestion almost as a crime, and enunciate the doctrine, that while the Union lasts there never will be, and never ought to be, a change from the present system. And, what is his argument founded upon?--why, that Lower Canada will not submit to a change! How comes he to speak thus for Lower Canada? Surely he might have waited until such language was heard from a Lower Canadian. The hon. gentleman has a habit of escaping from troublesome questions, by bold assertions such as this--but I do think that on a matter of this importance, and one so vitally affecting the interests of Upper Canada, he ought to have refrained from adding to the difficulties which surround it, by the tone he has assumed for his petty political ends. The Inspector General seems to forget when he talks of Lower Canada, that there are 250,000 people of British origin in this section of the Province whose sympathies and feelings are all with the Upper Canadians, and who would gladly see population adopted as the basis of representation. And even as regards the French Canadians, I am well convinced that the gentlemen of that origin in this house, will repudiate the sentiments which the Inspector General has attributed to them. I can well believe that they will insist on an equivalent for the disadvantage they have heretofore sustained by the Bill of 1840--but I am sure they are more just than to demand that when that equivalent has been rendered, the system of representation should not be placed on a just and equitable basis. I am sure they will resent the argument of the hon. gentleman, that they are unfit to cope with the people of Upper Canada on equal ground, but must have a preference extended to them to enable them to hold their own! And I am still more sure they will treat with scorn the argument that they must have this preference, that they may not be at the mercy of the member for Kent! They have but to look round this chamber and mark how many of the 42 members from Upper Canada are of the same mind as that member to show the value of that argument. Can the French Canadians complain of the impracticability of Upper Canadian members? Do they not find them the very miracles of subserviency? It is true they build platforms, and make fierce speeches up above to gull the electors--but are not their votes down here all that Lower Canada could desire? Does the Inspector General admit that the votes of the member for Kent are the true index to public feeling in the west? Does even he feel that the day of subserviency is passing away, and that another and a better time is coming for the views of Upper Canadians in the Councils of the country? If his argument is good for anything it amounts to this. Nothing tends more to retard that assimilation between the two races which was the object of the union, than the continuation of a separating line between Upper and Lower Canada--and I can hardly conceive a more unpatriotic or unstatesmanlike tone

than that assumed by the Inspector General throughout this debate. What have the Lower Canadians to fear from Upper Canadians? Are not our commercial interests the same? Does not the improvement of one section benefit the other section as well? Are we not one people in every question of material progress? I know what the Inspector General means by his allusion to the member for Kent--he would remind the Lower Canadians that their religion would be in danger. Nothing could be more unjust. What is the full extent of my demand in religious matters? Do I seek to retain any man's religious opinions,--to impose my views on other men,--to limit the free exercise of any system of religion? Far from it. The full and entire extent of my claim, is that the legislature shall know no man as a religionist--that each church shall stand on its own merits before the people--that the law shall not meddle with the subject in any way. Have the Lower Canadians anything to fear from this? Is there any injustice in it? However the question of representation may be settled, I would ask, is there any other principle on which the legislation of this country can possibly be conducted with satisfaction to all parties? But the honourable Inspector General says the Government have no power to change the basis of representation--and when I tell him they might apply to the Imperial Parliament to repeal the two-thirds clause of the Union Act, he replied that it is "impracticable." And why is it impracticable? Has he made the attempt? Why should he take it for granted that it must necessarily fail? Every Upper Canada member, would of course support it, and doubtless many of the Lower Canada members of British origin would do the same. Nay, Sir, there are gentlemen of French origin whom we know to be above the paltry considerations of the Inspector General. The learned Provincial Secretary (Mr. Morin) has long stood committed to the principle, by the famous 92 resolutions, which proceeded from his pen⁵⁵. The Solicitor General of Lower Canada (Mr. Chauveau) had voted for that once⁵⁶ [and] has his views on the subject recorded on our journals as late as 1849--the member for Two Mountains (Mr. Papineau) has ever been consistently an advocate of this reform⁵⁷, so had the President of the Council....He asked if Mr. Cameron would forego his vote of 1849, when he voted for representation by population⁵⁸--and I can speak personally of other hon. members who are well disposed to such a measure. The clamour attempted to be raised by the Inspector General is therefore all his own--and holding the position he does, he should be the last man to join in it. In the heat which this subject seems always to excite in his mind, the hon. gentleman tells us that if we persist in the demand for representation by population, we will cover the country with scenes of blood! If we ask that which the Reform party of Lower Canada demanded twenty years ago, and which Upper Canada all but unanimously demands now--we will cause bloodshed! If we ask merely justice,--the reform of a system which all admit to be unfair and unreasonable--we are the authors of strife and bloodshed! And this wrong is to be quietly submitted to by Upper Canada, forsooth, on such a bugbear cry as this! 200 inhabitants of Lower Canada are to have equal representation in the national legislature with 300 Upper Canadians!--and that while Upper Canada pays at least two-thirds of the taxation! And if they don't submit quietly--blood must flow! Sir, I do think it ill becomes the hon. gentleman as a minister of the Crown, to use such language on the floor of this house;⁵⁹ surely he had forgotten himself⁶⁰, it is his duty to calm the passions of the multitude when excited--not to inflame them by suggestions like these. I can tell the hon. gentleman that with all his fustian to the contrary--Upper Canada will have justice in this matter--and that with the hearty consent of many an upright-minded French Canadian. And now, sir, a few words as to the scheme of the Government. The Inspector General contends, that because his scheme lessens the injustice done to the Western districts of Upper Canada, therefore we should accept it without a grumble--and he tells us with great complacency, that the whole difference is that the Eastern district has a member for every

12,000 people--the middle district for every 16,000, and the Western for every 14,000! And why should the eastern have this or any other advantage? Oh, because she has heretofore had it! Because the west has been robbed for twelve years, she must be robbed for twelve years more! The hon. gentleman says, I treated the question unfairly, when I grouped the smallest constituencies together, and the largest together, and contrasted them--for, he says the smallest may lie next to the largest, and the average be correct. Could any argument be more preposterous--what advantage is it to a constituency of 25,000, that the next county to them contains only 10,000? Do they benefit by that? Is it not rather a standing monument of the injustice which they suffer? I have said, Mr. Chairman, that this bill is an improvement on the existing system, and that if the prominent defects were removed it would be the next best thing to the full adoption of population as a basis. The Inspector General taunted me to make a better [scheme] if I could, and without attempting so heavy a task--with the aid of my hon. friend the member for Peterborough,⁶¹ Mr. Langton,⁶² I have thrown together a few amendments which I think would greatly improve the measure⁶³, and which he held were better than the government scheme, although they were not perfect. They had been agreed upon after a two hours' consultation only.⁶⁴ We have merely taken up some of the more prominent inequalities in the proposed distribution, but the same course might be followed through all the electoral districts and a still closer equality established. In the first place as regards the Niagara district. The Government propose giving one member to the town and township of Niagara, with a population of 5,590; one to the County of Lincoln, with 18,278; and one to Welland with 20,141. I propose to throw the district into three electoral divisions, as nearly equal as possible:--

NIAGARA.--Town, 3340; Niagara Township, 2250; Grantham, 3216; St. Catherines [sic], 4368; Louth, 1848,--15,022.

LINCOLN.--Caister, 1398; Clinton, 2462; Gainsboro, 2538; Grimsby, 2448; Pelham, 2400; Thorold, 2735; Thorold Town, 1091,--15,072.

WELLAND.--Stamford, 3113; Crowland, 1478; Willoughby, 1352; Wainfleet, 1841; Humberstone, 2201; Bertie, 2736; Chippewa, 1193,--13,915 [sic].

I propose to take the township of Beckwith from South Lanark and give it to North Lanark, which would make these counties respectively 12,901 and 14,416. I also propose that instead of Bytown with 7760, and Carleton with 23,637--two townships (Gloucester and Napean) shall be taken from Carleton and added to Bytown, making two electoral divisions of 14,565 and 16,832. The County of Durham seems very strangely divided in the Government plan; I propose that Darlington, Clarke and Cartwright shall form West Durham and the remainder of the county East Durham. That will make up the numbers 14,781 and 15,951. None of these changes would affect the number of members. I now proceed to the changes that would affect the number of members. The Government propose to give one member to Russell and one member to Prescott, though they be together and have an aggregate population of 13,357. Our proposal is that these counties shall be united and have but one representative. Again, the Government scheme is that Cornwall and Stormont (the county in which Cornwall is) shall have two members, although the aggregate population is but 14,643; and we propose that Stormont and Cornwall shall be thrown together with but one representative. The County of Leeds (including Brockville) with an aggregate population of 30,014, the Government propose shall have three members, with constituencies of 8,454, 9,782, and 11,778 respectively. My proposal is that Leeds shall have but two--its fair share according to population--to be divided in any way the Attorney General and the member for Brockville may desire. These changes, Mr. Chairman, would place these members at our disposal, and I propose they shall be given in the following manner. First, that Peel with a population of 24,816 shall have two members instead of one, as proposed by the Inspector General.

Second, that Lennox and Addington, and South Hastings, with an aggregate population of 42,932, shall have three members, instead of two as proposed by Government. And third, that instead of Huron, Middlesex, Norfolk, and Haldimand having eight members, as proposed under the bill, that they shall have nine--to be arranged in a manner to suit their representatives. In looking at the map it has appeared to me that the arrangement might be thus:--

BRUCE:--As now 2837; McKillop, 848; Ashfield, 907; Wawanosh, 722; Colborne, 921; Hullet, 955; Tuckersmith, 1727; Goderich, 2715; Goderich Township, 1329.--Total 12961.

HURON:--Nissouri, West, 1832; Williams, 2292; McGilvray, 1718; Biddulph, 2081; Stephen, 742; Usborne, 1484; Hay, 985; Stanley, 2064.--Total 13198.

MIDDLESEX 1ST:--London, 7035; London Township, 6736.--[Total] 13771.

MIDDLESEX 2ND:--Dorchester, North, 2570; Dorchester, South, 1477; Malahide, 4050; Westminster, 5069.--Total 13166.

MIDDLESEX 3RD:--Aldboro, 1226; Dunwick, 1948; Southwold, 5063; Yarmouth, 5288; St. Thomas, 1274.--Total 14799.

MIDDLESEX 4TH:--Mosa, 2075; Eckfrid, 1792; Carradoc, 3118; Metcalfe, 1096; Adelaide, 1979; Lobo, 2445; Delaware, 1861.--[Total] 14366.

NORFOLK WEST:--Bayham, 5092; Houghton, 1509; Middleton, 1721; Walsingham, 3090; Charlotteville, 2780.--Total 14192.

NORFOLK EAST:--Windham, 2900; Townsend, 4935; Woodhouse, 2895; Simcoe Town, 1452; Walpole, 3583.--Total 15764.

HALDIMAND:--As now, 18788; Deduct Walpole, 3583.--Total 15205.

These Amendments would make the Constituencies stand thus:--

| | <u>Total</u> <u>Population.</u> |
|--------------------------------|------------------------------------|
| Renfrew | 9415 |
| Waterloo, North | 10487 |
| Lambton | 10815 |
| Brant, East | 11250 |
| Kingston | 11586 |
| Victoria | 11657 |
| Simcoe, North. | 11657 |
| Hastings, North | 12165 |
| Wellington, North | 12255 |
| Peel, South | 12408 |
| Peel, North | 12408 |
| Lanark, North. | 12901 |
| Wentworth, West | 12934 |
| Bruce | 12961 |
| Middlesex, 2nd | 13166 |
| Huron | 13198 |
| Grey | 13217 |
| Russell and Prescott | 13357 |
| Hastings, South | 13612 |
| Ontario, North | 13696 |
| Middlesex, 1st | 13771 |
| Dundas | 13811 |
| Welland | 13915 [sic] |
| Hamilton | 14112 |
| Lennox | 14155 |
| Brant, West | 14176 |
| Norfolk, West. | 14192 |
| Middlesex, 4th | 14366 |
| Lanark, South. | 14416 |

| | | | | <u>Total</u> <u>Population.</u> |
|----------------------|---|---|---|------------------------------------|
| Wellington, South | . | . | . | 14541 |
| Bytown | . | . | . | 14565 |
| Stormont | . | . | . | 14643 |
| Durham, East | . | . | . | 14781 |
| Middlesex, 3rd | . | . | . | 14799 |
| Niagara | . | . | . | 15022 |
| Leeds, North | . | . | . | 15037 |
| Lincoln | . | . | . | 15072 |
| Addington | . | . | . | 15165 |
| Haldimand | . | . | . | 15205 |
| Peterboro' | . | . | . | 15237 |
| Toronto | . | . | . | 15387 |
| Do. | . | . | . | 15388 |
| Northumberland, West | . | . | . | 15400 |
| Simcoe, South. | . | . | . | 15508 |
| Perth | . | . | . | 15545 |
| Oxford, South. | . | . | . | 15555 |
| Wentworth, East | . | . | . | 15573 |
| Norfolk, East. | . | . | . | 15764 |
| Northumberland, East | . | . | . | 15829 |
| Ontario, South | . | . | . | 15875 |
| Durham, West | . | . | . | 15951 |
| Waterloo, South | . | . | . | 16050 |
| York, West | . | . | . | 16224 |
| York, North | . | . | . | 16712 |
| Essex | . | . | . | 16817 |
| Carleton | . | . | . | 16832 |
| York, East | . | . | . | 17013 |
| Oxford, North. | . | . | . | 17083 |
| Granville | . | . | . | 17448 |
| Kent | . | . | . | 17469 |
| Glengarry | . | . | . | 17596 |
| Leeds, South | . | . | . | 18236 |
| Halton | . | . | . | 18322 |
| Prince Edward. | . | . | . | 18887 |
| Frontenac | . | . | . | 19150 |

Mr. Brown in conclusion had only to say that the member for Peterboro and he did not offer this as a perfect scheme--but as a closer approximation to justice than that of the Government, and suggestive of the manner in which the bill ought to be amended.⁶⁵

MR. LANGTON showed, that by making a few trifling changes as proposed in the scheme that he and the member for Kent had drawn out, it was easy to equalize the representation to a much greater degree than was proposed by the Government. By that scheme it would be seen that the smallest constituency would have a population of 9,000, and the largest one of 19,000, while, by the proposal of the Government, the smallest was 5,000 and the largest 24,000. The Attorney General told them that they ought to vote for this bill if they thought it was any improvement on the present system, but he (Mr. L.) did not see the use of doing what was manifestly wrong for the hope of something better in the end. The hon. Attorney General said that no great measure of reform was ever carried without making concession[s]. He could imagine the advantage of making concessions to any great public opinion for the sake of carrying an important measure, but what he complained of was, that in this case they did not make concessions to public but to private opinion. (Hear, hear.)⁶⁶ The bill was not framed

upon any great public principle but to accommodate it to the views of those who could be got to vote for it.⁶⁷ They make an alteration to get a vote here and another to get a vote there, and instead of endeavouring to frame a measure that would meet with the approbation of the public, they merely endeavoured to yield to the wishes of individuals. When it was seen that the Government had no fixed principle to go upon every one then insisted on having something for himself, whereas if it was known that they were acting on a fixed principle which applied equally to all, no one would think of coming forward with a particular claim for himself. Thus for instance, they were retaining the miserable constituencies of Cornwall and Prescott just for the sake of getting the votes of the members for those places at the expense of other parts of the country. Such conduct was vile there was no other word for it.⁶⁸ He despised, and he could use no milder term, those who sacrificed the whole country to their own private views. The bill settled nothing on public grounds, but everything to satisfy selfishness, and he should oppose such an arrangement in every way he could.⁶⁹ Some of the divisions he considered very objectionable, that of the County of Durham in particular. Some of these divisions he said, appeared to be made that some particular individuals should have a safer constituency for themselves. (Hear, hear.) He spoke particularly of Brockville and Leeds,⁷⁰ the most objectionable feature of the bill⁷¹, when the latter, with only 23,000 inhabitants was given two members, while other counties with 24,000 inhabitants had but one. This was what was commonly called a job, there was no reason for giving another member for Leeds but that it was the domicile of the Attorney General.⁷² Leeds was the only county in the province which had that advantage.⁷³ This he thought the greatest defect in the bill,⁷⁴ it was a blot on the bill, and a palpable wrong⁷⁵ and unless⁷⁶ the "chiselling" features ... were⁷⁷ remedied he should vote against the third reading of the bill.⁷⁸

MR. MERRITT would support the bill as something better than the present system, but he thought that by increasing the ... [representation] we should get a Parliament which would form a constitution for ourselves. He was satisfied that the present constitution could not work and that he should look forward with pleasure⁷⁹ to that day when the Canadians would frame their own constitution in place of the present defective one.⁸⁰ He would strenuously support the present bill, as, by the increase of representation that it would give, we should have a parliament that would better represent the people and that then some better principle might be adopted.⁸¹

MR. STREET condemned the bill as being ... made to suit the tastes of particular members.⁸² He declared his opposition ... as, instead of establishing a good principle it was merely carrying out in another shape a bad principle already existing. He then at some length condemned the conduct of the introducers of this bill, and said that while they were very careful to do nothing to offend the people of Lower Canada they did not care to offend the feelings and opinions of the people of Upper Canada. Every member from Upper Canada had pledged himself to the principle of basing representation on population⁸³ and he objected to being tied to the present system, because Lower Canadians demanded it.⁸⁴ He was told that this [bill] would be an improvement in the present system, but it was still going on on a false principle and as such he would oppose it and every other measure of the same nature.⁸⁵ Had the supporters of the government told their constituencies of their present views, they would never have gained their elections.⁸⁶

MR. SEYMOUR said that the people of Upper Canada were in favor of representation on the basis of population. That the Reformers of Upper Canada held the same opinion.⁸⁷

MR. INSP. GEN. HINCKS.--We don't deny that. We are not opposed to it.⁸⁸

MR. SEYMOUR.--Yet you bring in bills in opposition to it. He then went on to speak of the injustice done by the details of the bill to the Counties of Lennox and Addington⁸⁹. The Attorney-General said it was necessary to make concessions to themselves⁹⁰ and [he] declared his intention of moving an amendment with regard to these counties.⁹¹

MR. J. SMITH, of Durham, was astonished that hon. gentlemen persisted in talking about the principle of representation on population, when they knew⁹² it could not be obtained. He was in favour of the principle ... but the next best thing to that, which was all that could be obtained, was better than the present system.⁹³ The member for Welland said that no member went to the House that was not pledged to this principle. He was fully aware that his constituents were in favour of it, as he had discussed the matter with them, but he did not look at the matter as he would like to have it, but as it really was. With regard to the County of Durham, the rear parts were all Conservative, and the front parts were Reform. It would seem that to divide the county by a line running east and west, would not answer as far as population was concerned, while a line running north and south would give rise to the same objections, and he had therefore proposed to take the two most populous townships, and join to them the town of Port Hope. He was sorry that the member for Peterboro' was not here, as he had charged him with chiselling, but he thought that some of these gentlemen only wanted an opportunity of evading a vote on the third reading. There was no doubt but that in a short time, the population of Clarke, Cavan and Port Hope would outnumber the remaining parts of the riding. He would ask the hon. member for Peterboro', as he was now in his place, if he would vote for the third reading of the bill, if the faults that he found with the counties of Leeds and Durham were remedied.⁹⁴

MR. LANGTON said that if the three glaring faults that he had found were remedied⁹⁵, as he desired⁹⁶, he would vote for the bill.⁹⁷

MR. AT. GEN. RICHARDS was glad to hear that they could have the hope of Mr. Langton's vote. The objectionable point of the bill according to that gentleman, was occasioned by his own acts, and therefore it was not fair for him to find fault with it....He defied the hon. member for Peterborough, though he sneered at Brockville, to show that it had not as much intelligence as any town in Upper Canada of equal population.⁹⁸ [He] said that the course with regard to the County of Leeds was forced on the Government by the conduct of gentlemen opposite who refused to have anything to do with the grouping of towns, and they found that the only possible way of carrying the bill, was to join three towns which were to be continued in the franchise in the adjoining township.⁹⁹ He denied that the opposition had ever done anything to equalize the representation by population, though they now contended for it¹⁰⁰ [and that] they opposed any approximation to it.¹⁰¹ He said that the people of Upper Canada were most anxious to have an increased representation, and they knew they could not get it without having an equal number of representatives from each Province, and he considered that this measure was based on fair terms and was not in violation of the principal [sic] of those in favor of population.¹⁰²

MR. LANGTON said that his opposition to the absurd system of grouping towns, was no reason why Leeds should have two members, while counties with a larger population had only one.¹⁰³

MR. PRES. EX. COUN. CAMERON said the government desired to make the bill satisfactory to all the counties.¹⁰⁴

MR. GAMBLE.--This is a new thing to see the shifts to which the gentlemen

on the opposite side are driven, and to hear the excuses which they bring forward in order to justify their departure from those principles which they have always held. Why don't the gentlemen come down here prepared to support the representation they speak about? I grant the principles will not be carried out which is [sic] agreed to by the hon. Inspector General, and the hon. member for Durham. Well, if you cannot carry them out with regard to the great thing itself, when you come down to the provinces, would you suppose, that when certain gentlemen speak in favour of certain principles, they will endeavour to carry them out¹⁰⁵, even if they failed. Why not do what was right if they should fail upon it?¹⁰⁶ But they do not! Why not carry out representation in each Province separately? What is their answer? It will interfere with the present division of the counties. What does it signify if it does--and why (if they please); cannot they set to work with these electoral divisions, and lay down the principles of representation, and carry them from one Province to the other,--but when they come down and say, that they have done it upon principle, for the general good, why don't they set about it as if they meant to accomplish it, and do it in such a way as it can be done? The field is open for them--the reasons I objected, were two: I thought it was unjust ever to have based the representation upon those principles asked for, and in the end if we followed it up, we should be averring a principle which we ... declared to be unsound, and giving to it, fresh vigour; but it might be, that if they will show by their acts, they are governed by those great principles which they profess, and make a fair system, representing all the different interests in the two provinces--(although it would be subject to the objections which I have already made) I do not tell them that I will not vote for that measure; but why should not the constituency which had enjoyed representation in which it was not entitled, for a great number of years, why should it be deprived of it, and what reason can they possibly give, that the county of Peel, having about 20,000 inhabitants, should have only one member, while they give to the counties of Leeds and Brockville, three members, having less population than the former¹⁰⁷. [OR] It was unjust to give Leeds with 20,000 inhabitants two members, while Peel with 24,000 inhabitants was given only one, because it was a conservative county.¹⁰⁸ Can any reason be assigned for it? The hon. Inspector General says, it would lead to a dissolution of the Union, if there was a representation upon any other different principle--and the hon. member for Lincoln says, that the antagonistic feelings of parties is such, that the Union could not work. I deny that most emphatically--I oppose that motion of giving a greater representation to Lower Canada, than to Canada West; I desire to go forward--not back. Talking of dissolving the Union!¹⁰⁹ The country could not go backwards. That was not in accordance with the spirit of the age.¹¹⁰ But while we are about it, we might as well grapple with the subject at once. There are other matters connected with the franchise before us, and the objects which the gentlemen of Lower Canada wish to accomplish can only be attained in the right way; for such is the progress, intelligence and wealth, of Upper Canada, that in spite of everything it will carry the desired principles. But if they desire to preserve those things, which, if I were in their place I would, let them go for the Federal Union¹¹¹ of all the B.N.A. colonies¹¹² and in that way they will preserve those things which they desire to; but whether we pass this measure or not the time will come when so great will be the difference in proportion between the Provinces, that there cannot be any question as to the result. A decision has been made as to whether present members will be returned, but ought that to weigh with members of this House? I believe it would be for the good of this country that the constitutional principles should be placed so that every man can understand them. It is all mighty fine, I have heard the gentlemen talk here, about the unwritten law and constitution of England. With regard to the constitutional precedents and parliamentary precedents, are they

not referred to every day? It would be well for this country if we had a constitution drawn out similar to that of the adjoining States, and then we could have our rights clearly defined, and the people of this county [sic] would actually defend those rights--and I say, I declare my preference for the system which is carried out in that country, and it is far preferable to this¹¹³ system ... which now prevailed in Canada, and which was characterized by such gross corruption¹¹⁴, and I believe, that the sooner the people of this country have recourse to that, the better. I have seen hon. members standing up in this House, and by their votes denying the very principles they declared before their constituents; principles by which they obtained their seats in this House. That conduct may be well in England where things are different, but it never will, and never can answer in this country.¹¹⁵ They ought to legislate upon principle and for the future, not for a few men who might perhaps with advantage be changed.¹¹⁶ Well, I do trust that the Hon. Inspector General, who is so desirous that this matter should go into Committee, in order that the clauses may be discussed, and who professed himself so ready to make such alterations as might be deemed necessary, I hope and trust that he will try and see whether he cannot make such changes as will relieve us from the two extremes of this representation. For instance if anything could be done by which the counties of Leeds, Huron, Bruce and Wellington could be entitled to a more just representation than now, and that as regard Cornwall and Niagara something might be done so as to include a greater number of persons, and Bytown, although the population there, is small; only 10,000. I will raise no objection with regard to each of those towns, because in the course of a few years, they might be entitled to have a representation, but if those objections were removed, I think that against the bill, and the principles of representation proposed, not a word could be said.¹¹⁷

MR. INSP. GEN. HINCKS.--I will not occupy the time of the committee now at any length, but I have just found, that a scheme¹¹⁸ to defeat the bill¹¹⁹ has been laid before the House, a joint production as I was given to understand of the hon. members for Peterborough and [the] County of Kent¹²⁰, Messrs. Langton and Brown¹²¹. Now in this important scheme which seems to set everything right, great care has been taken of those obnoxious references in the present bill. The counties of Peel and Leeds and various other constituencies, they had made their practical object of attack in the scheme which had been submitted. Of course it is very desirable for hon. gentlemen to try and get rid of these discrepancies, and accordingly a scheme is submitted. I find in this scheme, that these gentlemen who have undertaken to make this modest scheme such a great improvement upon our scheme, with all their endeavours to have a representation based strictly upon the principle of population, have not been very successful for we find that the county of Waterloo, which now sends one member to Parliament with 10,000 inhabitants (one of the divisions I spoke of which is getting a large increase of representation,) will be no better off than before. The hon. gentleman who represents that place, cannot see that he has been dealt very unjustly with. Frontenac, which has 19,000, only one member, and Leeds (one of its divisions containing 18,000); why your constituencies have little more than half the population, and yet have one member. Now, I take it, that there are, at all events, greater advantages in the Government scheme, for if we have been partial to some constituencies, we have been partial to constituencies which already had representation--we have not taken away representation from constituencies which already had it, but hon. gentlemen who made their scheme, have been so particularly desirous to frame it, that they would be severe upon those constituencies which hitherto had representation; they proceed upon the principle of disfranchisement. Now, there is another view to be taken of this case--when I last addressed the com-

mittee this evening, I pointed out, that with reference to the existing divisions of the Provinces, we had, at all events, taken some pains to apportion the representation tolerably fair, as nearly as we could do amongst the different local divisions of the Province, and dividing the Provinces into the Middle, Eastern, and Western. At the present time the Eastern divisions sends [sic] fourteen members--by our bill they get an addition of three members only, making them seventeen members. Now I ask hon. members to follow me in the statement--(the hon. gentleman read over a list, showing the increased representation provided by the Government measure). According to the scheme of the hon. gentlemen, they want to reduce the Eastern divisions from fourteen to thirteen, and increase the other from 21 to 23,--and the Western division to 27--(increase of 13); and still further to increase it, but to reduce the Eastern. Now, I ask the hon. gentlemen, can they expect that those in favour of increased representation, that one member of the Province will vote upon a bill in that stage? I ask the hon. members for Dundas and Stormont, are they prepared to sanction such a scheme? (No, no!) And I think hon. gentlemen are not desirous to do so. I say that the Government have not gone as far--and I do say to the hon. gentlemen, that whatever importance may be thrown upon them, I say, that the course taken by the members of [the] Eastern sections of the Provinces, has not been open to any imputation whatever; but they have acted with a due regard to the interests of the constituencies from whom they come; and why should we be told we are purchasing votes by doing this. But the whole scheme has been got up by the hon. member for Kent, to promote Western interests, to the destruction of the Eastern.¹²² The hon. members would [not] defeat the bill because they could not carry out their scheme which was not different in principle, but only in details from that of the government.¹²³

MR. CRAWFORD denied the imputation that had been made against his conduct in the matter. No attempt had been made to buy his vote in favour of the bill. It was true that he had done all in his power to get the railroad brought to Brockville, but he did not think that that was any cause of blame. He was opposed to this bill not because he objected to the details but because he thought it would greatly increase the expenses of the country and that any increase of the representation should be based on population, and he thought that the difficulty found in the present bill should be sufficient to prevent at any future time the introduction of a similar measure.¹²⁴

MR. ROSE spoke in favour of the bill which he thought was¹²⁵ not ... a perfect measure, but¹²⁶ as perfect as any measure of the kind could be made, and he considered that great credit was due to those who had drawn it up. He had no fear of what was called French domination. He judged of the future by the past, and it was not the Reformers who complained of it, it was the Conservative party who had always made political capital out of it.¹²⁷

MR. LANGTON replied to the remarks of the hon. Inspector General, with regard to the imputation that had been made about railroad influence. Peterborough was a place the locality of which rendered it the centre of a number [of] railroads. He went on to refute the statement of the hon. Inspector General as the member for Kent having laid any deep plot to extend the influence of the Western portion of Canada at the expense of the Eastern. He and the member for Kent did not pretend to have drawn up any scheme that would be adopted by the House, they had only taken up the challenge of the Inspector General and shown how easy it was by making some light modifications to draw up a plan much more equitable than that submitted by the Government.¹²⁸

MR. INSP. GEN. HINCKS said that so far as mere population was concerned the scheme drawn up by the hon. member for Kent and Peterborough was a little better than that of the Government but there was one thing that they had alto-

gether forgotten and that was, that it was impracticable and could never be carried through the House. These two gentlemen represented the midland, and Western sections of the Province, but if they had had on their select committee a mem[ber] for the Eastern section, if they had called to their counsels the member for Dundas, they would not have agreed so easily. So far as Leeds was concerned the fact was as he had stated before, that the embarrassment arose from the necessity from the conduct of many hon. members of continuing the representation of Brockville. They had also entirely overlooked the fact of the great local jealousy that existed between many of the different counties. That for instance they proposed to take Walpole from the county of Haldimand, and attach it to Norfolk, which had already made all its arrangements for local and municipal purposes. Also between the counties of Lincoln and Welland, which they materially interfered with, there was a very strong local feeling. They also cut up the county of Middlesex, and joined parts of it to the county of Elgin, while between these counties there was the strongest local feeling. He impressed upon the House the impracticability of the present scheme of the members for Kent and Peterborough, and the manner with which the limits of the counties hereafter may be changed by the vote of a simple majority of the House.¹²⁹

MR. RIDOUT had hitherto taken no part in the discussion on the measure, as the members for the various counties were better acquainted with the provisions of the act that effected their interests. He had opposed the bill because it was not based upon prospective population. Even if the bill was based on the present state of the population, it had not so far as he could understand it any reference to prospective population. It was unfortunate that gentlemen who supported this bill had charged gentlemen who opposed it with wishing to dissolve the union. He believed that though the union had been attended with some inconvenience it had also been attended with many benefits. It had he believed restored to Lower Canada, a constitution that had been suspended and had raised the credit of the Upper Province. But though he had never thought that a dissolution of the union was desirable, yet from the tone in which many gentlemen had spoken of dissolution, he felt that it was more seriously contemplated than he had any idea of. And if the union was to be dissolved on fair and equitable terms to the upper province, so far as revenue was concerned, and if an outlet to the ocean was guaranteed here, she would not very much regret a dissolution of the existing partnership. He thought, however, that looking at the importance of Toronto and Hamilton in a commercial point of view they were not fairly dealt with as compared to Montreal and Quebec. In five years the population of Toronto would be doubled if it was not increased even beyond that.¹³⁰

MR. HARTMAN ridiculed the idea of a representation based on prospective population, for at that rate Montreal and Quebec were expected to double their population in a few years at least so the members of those cities said. At the same rate Brockville, Bytown, and other places should have another representative.¹³¹

MR. G. WRIGHT of West York thought it very unjust that the County of Peel, which he represented, with 24,000 inhabitants, should have only one member, while the County of Leeds with only 21,000 inhabitants was to have two members. The people of the County of Peel had been in the expectation of getting two members, and he (Mr. W.) had understood that such was to be the case, but from circumstances that he was not aware of, that intention was changed and the member that was to have been given to Peel had been given to another county. The people of Upper Canada, as far as he had been able to learn, were only in favour of an increase of representation provided that it were based on population. He had not determined how he should vote on this bill but if it was arranged so as

to meet his views¹³², so as to be just¹³³, he should very probably vote for it.¹³⁴

MR. AT. GEN. RICHARDS made a few remarks in support of the clause of the bill giving an additional member to the County of Leeds.¹³⁵

MR. GAMBLE said it was very well for the Attorney General to get up and get down and snub the member for Peel, now that he had secured two members for his own county by taking away a member from the County of Peel. Why should not the principle of representation be carried out?--What difference could it make to the municipal arrangement of the existing counties.¹³⁶

MR. H. SMITH (Frontenac) had been taunted with not having been in the House while the first part of this discussion was going on, but he was quite sure that if nothing more had been said in favour of the bill than had been said by the Hon. Attorney General he had not lost much. He had never heard such an unjust proposition as to give two members to the County of Leeds, because it happened to be represented by an Attorney General, while only one was given to Peel, which was a Conservative county. The principle of this bill appeared to be to increase the representation of counties represented by Reformers while no increase was given to Conservative counties. Then the United Counties of Leeds and Grenville with 50,000 inhabitants had but three members with a population of 34,315. It was gross injustice. The members for North York ridiculed the idea of having the representation on the principle of prospective population; but in the year 1851, the president of the council seconded a motion made by Mr. Boulton to the effect that all representation should be based on prospective population. Why did he not stand up in his place and explain his conduct on this matter? The Hon. Inspector General had declared that he had laid aside all principle to carry this bill; was not that a strange declaration for the leader of the Government? The Inspector General laughed; he gloried in the fact that he had got the House so much under his power. The Inspector General asked him when he objected to details of this bill what he would do? That was not a statesmanlike question for a minister of the crown to put to an independent member of the House, to ask him what he would do? He would tell him what he would do; he would give a member to the town of Belleville. Belleville was one of the most rising places in Upper Canada.¹³⁷

COL. PRINCE, the member for Essex, cried out Good God.¹³⁸

MR. H. SMITH [continued:] Why, he does not know what he is talking of. Belleville is the outlet of a very thriving and populous county, and was at the mouth of a river of inexhaustible resources. He certainly thought Belleville was well entitled to a representative.¹³⁹

MR. MURNEY spoke of the inconsistency of the Government in crying out against close boroughs and close constituencies, while they had made three close constituencies of the County of Leeds, and had only given one member to the County of Peel, and the member who ably represented that county had just ground [sic] of complaint, and he would not be worthy of a seat for that constituency if he did not protest against the bill. The member for Essex sneered at the idea of Belleville having a representative; but Belleville had a population of nearly 5,000, with large manufactories, and large exportations of timber, lumber, potash, and flour, and were these not interests to be represented. He had heard from the Attorney General that the Conservative opposition had compelled the Government to make the alterations they had made. If so, they certainly were entitled to the thanks of the country.¹⁴⁰

COL. PRINCE spoke of the absurdity of giving representatives to petty shop-keeping towns like Belleville, Niagara, or London, which ought, he said, to be thrown into their respective counties. In the course of his remarks he

made use of profane expression¹⁴¹.

He was called to order by the chairman, MR. MALLOCH.¹⁴²

MR. INSP. GEN. HINCKS reviewed the debate. He contended no injustice was done to Peel. Huron had more right to complain, and¹⁴³ said that he could show that if there was a member to spare it should not be given on any principle of justice to the county of Peel. The county of Huron represented by a member of the Government had 29 townships, which were not nearly filled up with a population of 2,000, while the county of Peel, with its 24,000 inhabitants, had only 5 townships, which were all filled up. The member for Frontenac had made out a strong case in favour of Lennox and Addington, and Frontenac and Kingston, but that was owing to the supposition of gentlemen opposite, who would not hear of the disfranchisement of Brockville, which had always had a member as well as Kingston. If but three members were given to Leeds and Grenville, and the odd member given to Kingston, Lennox and Addington, and Frontenac, the proportion would then be in their favor, and so with the county of Peel.¹⁴⁴ There were some discrepancies, but they could not be avoided, as he had again and again shewn. Even in the model scheme of the members for Kent and Peterborough, he had shewn that one county would have a population of 20,000, and another a population of 9,000, and yet each return one member.¹⁴⁵ Some further remarks [came] from the Inspector General¹⁴⁶.

The first amendment was carried.¹⁴⁷

The next motion was that referring to the union of the counties of Lennox and Addington.¹⁴⁸

MR. SEYMOUR then moved an amendment.¹⁴⁹

MR. INSP. GEN. HINCKS said it had been allowed on all sides that a member should be given to Peel, and yet the object of the amendment was of course to give another member to Lennox and Addington. Where did hon. members expect to get the other member?¹⁵⁰

MR. MACKENZIE said that Cornwall might be deprived of its member, and the other member given to Peel. He then went on to speak generally in opposition to the representation of¹⁵¹ small towns, such as Brockville, Cornwall, and Niagara. It was wrong in principle, to allow such small constituencies to return members on an equal footing with large agricultural counties, of twenty or thirty thousand inhabitants.¹⁵² [He] ended by a round of abuse against the Attorney General, who, he said, had no idea of anything like patriotism or noble feeling.¹⁵³

MR. SEYMOUR said that the Inspector General asked where the other member was to come from? Let him take one from Prescott and Russell, and leave Carleton as it is.¹⁵⁴

MR. INSP. GEN. HINCKS said that the member for Haldimand said he should not be sorry if the Parliament was at an end, and he (Mr. Hincks) should not be sorry if his parliamentary career was at an end. The member for Haldimand had talked a great deal about reform, but he should acknowledge that they whom he abused so heartily, had advocated something that was practicable. With regard to the amendment, he repeated what he had said about the impossibility of carrying the bill, if the Eastern sections of the Province were neglected.¹⁵⁵

MR. MALLOCH (the Chairman,) considered that the bill should be based on population, without reference to either section of the Province. With reference to the intention of taking the two townships of Gloucester and Osgoode from his county and attaching them to the county of Russell for representation, he begged to enter his solemn protest against such a course being pursued.¹⁵⁶ He believed

the object of the Government was to attempt to cause him (Mr. M.) to lose his election.¹⁵⁷ He remarked that these two townships supported him almost to a man. He considered that although the county of Russell was too small in extent to entitle it to a member, it was unfair to make his county an exception in the Government scheme. He observed that he was informed the Government had a caucus meeting at the Government House--when the Hon. the Inspector General opened the discussion, and when the hon. member for Prescott objected to the proposition of the Government.¹⁵⁸ The hon. member ... made it the condition of his support of the bill, that his county should be left as it was¹⁵⁹. To please that gentleman and secure his vote, the Government abandoned their scheme, and decided to make the proposed change.¹⁶⁰ They agreed to take the townships of Gloucester and Osgood[e] from Carl[e]ton and give them to Russell.¹⁶¹ But, rather than consent to lose these two townships, even for representation, he would rather consent to take the county of Russell and town of Bytown¹⁶² and attach them to the county of Carl[e]ton¹⁶³ with the understanding that the county should have the three members. He would rather forego his seat in the House than consent to lose them. He, however, was in the hands of the Government, and with their majority they could do what they pleased. The Government, perhaps, was induced to pursue this course, from the circumstances that they found the member for Prescott made of more pliable materials than him.¹⁶⁴

Several other clauses of the proposed amendments, which elicited no discussion were carried.¹⁶⁵

(592)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee heave leave to sit again To-morrow, and that it be then the first Order of the day, and take precedence of Notices of Motions.

The Order of the day for the second reading of the Bill from the Legislative Council, intituled, "An Act making certain provisions relative to the Counties of Perth, Brant, and Waterloo," being read;

The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.

(593)

Ordered, That the remaining Orders of the day be postponed until To-morrow.

*Then, on motion of Mr. Prince, seconded by Mr. Ridout,
The House adjourned.¹⁶⁶*

[NOTICE OF MOTION RE: EXTENSION OF PRIVILEGE TO LOAN MONEY.]

MR. G. WRIGHT (West York) [gave notice that] on Friday next [he will introduce a] bill to extend to all the inhabitants of the Province the privilege of loaning money on the same terms as are now allowed to be demanded by the Upper Canada Trust and Loan Company.¹⁶⁷

[NOTICE OF MOTION RE: QUEBEC BRIDGE COMPANY.]¹⁶⁸

MR. STUART [gave notice that] on Friday next [he will introduce a] bill to incorporate "The Quebec Bridge Company."¹⁶⁹

[NOTICE OF QUESTION RE: STATEMENTS IN IMPERIAL PARLIAMENT RELATIVE TO THE RIGHTS OF THE CATHOLIC CLERGY.]¹⁷⁰

MR. CAUCHON [donna avis que] vendredi prochain [il] demandera aux membres de l'administration, s'ils concourent dans les sentiments exprimés dans le parlement impérial, dans les termes suivants:--

"Il avait considérablement exagéré les biens de l'église catholique romaine en Canada; ces biens étaient précisément sur le même pied, en ce qui a rapport à l'action de la législature coloniale, que les réserves du clergé, si cette mesure est passée. Le traité que l'on mentionne, ne fait guère plus que protéger en Canada le culte suivant les rites de l'église catholique romaine." (Extrait d'un discours du duc de Newcastle dans la chambre des lords, mardi 15 février.)

"On pourrait prétendre que l'assemblée comprenait les membres catholiques romains du Bas-Canada, et qu'ils n'avaient point le droit d'intervenir dans ce qui concernait exclusivement le Haut-Canada. Il différerait cependant d'opinion et pensait que les membres catholiques romains avaient le droit de prendre part à ces discussions. Les membres catholiques romains, en supportant les résolutions, disent simplement qu'ils croient que la question est du ressort de l'assemblée législative, et qu'ils veulent mettre la dotation du clergé protestant sur le même pied que celle du clergé catholique romain du Bas-Canada. Maintenant la dotation du clergé catholique romain dans le Bas-Canada, est soumise à l'action de la chambre d'assemblée, si cette dernière le juge à propos. L'un des articles de la capitulation de Québec, assure au clergé catholique romain les dîmes et droits à lui payés par les personnes qui professent la religion catholique romaine, et cet article est resté en force jusqu'à la paix générale, époque où il fut incorporé dans l'acte de Québec; et en vertu de l'acte constitutionnel de 1791, la déclaration resta en force dans les deux provinces, sauf les changements que le conseil législatif de la province pouvait y faire avec la sanction de Sa Majesté. Ainsi donc, il est clair que les dotations catholiques romaines, peuvent en aucun temps être abrogées par un acte de la législature coloniale; et comme tout ce que le gouvernement demande aujourd'hui, est de mettre les réserves du clergé sur le même pied, il ne voyait pas pourquoi l'on reprocherait aux membres catholiques romains de prendre part dans les discussions qui se sont élevées sur le sujet."--(Extrait d'un discours prononcé dans la chambre des communes par M. F. Peel, mardi, 15 février.)¹⁷¹

[NOTICE OF QUESTION RE: MR. RYLAND'S CASE.]¹⁷²

MR. CAUCHON [gave notice that] on Friday next [he will make an] enquiry of Ministry, whether any despatches have been received from Her Majesty's Government relative to Mr. Ryland['s] case for the settlement of this affair.¹⁷³

FOOTNOTES: 16 MARCH 1853.

1. JOURNAL DE QUEBEC, 19 March 1853.
2. IBID.
3. IBID.
4. GLOBE, 29 March 1853.
5. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 18 March 1853, PILOT, 22 March 1853, MONTREAL GAZETTE, 23 March 1853, BRITISH COLONIST, 25 March 1853, HAMILTON SPECTATOR DAILY, 28 March 1853 (which copied from MORNING CHRONICLE misdating its account as 17 March 1853), NORTH AMERICAN SEMI-WEEKLY, 29 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 30 March 1853, and NORTH AMERICAN WEEKLY, 31 March 1853. The debate was also reported by: GLOBE, 29, 31 March 1853; and LA MINERVE, 22 March 1853 (which included some commentary). It was noted in identical accounts by: GLOBE, 17 March 1853, HAMILTON SPECTATOR DAILY, 17 March 1853, PILOT, 17 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1853, and EXAMINER, 23 March 1853; HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1853, and GLOBE, 19 March 1853. A commentary appeared in HAMILTON SPECTATOR SEMI-WEEKLY, 16 March 1853.
6. GLOBE, 29 March 1853.
7. LA MINERVE, 22 March 1853, commented that "Dans la séance du 15 M. Brown avait déclaré à la chambre qu'il s'était décidé à voter contre la mesure du gouvernement pour augmenter la représentation, après en avoir examiné les détails, et s'être convaincu que, d'après cette mesure, la représentation sera plus inégale et plus injuste qu'elle ne l'est actuellement."
8. GLOBE, 29 March 1853.
9. MORNING CHRONICLE, 18 March 1853.
10. GLOBE, 29 March 1853. MORNING CHRONICLE, 18 March 1853, reported "24,000"; LA MINERVE, 22 March 1853, "24,005."
11. GLOBE, 29 March 1853.
12. MORNING CHRONICLE, 18 March 1853.
13. GLOBE, 29 March 1853.
14. MORNING CHRONICLE, 18 March 1853.
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17. GLOBE, 29 March 1853.
18. MORNING CHRONICLE, 18 March 1853.
19. GLOBE, 29 March 1853.
20. IBID.
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22. MORNING CHRONICLE, 18 March 1853.
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30. MORNING CHRONICLE, 18 March 1853.
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32. GLOBE, 29 March 1853.
33. IBID.
34. MORNING CHRONICLE, 18 March 1853.
35. GLOBE, 29 March 1853.
36. IBID.
37. MORNING CHRONICLE, 18 March 1853.

38. GLOBE, 29 March 1853.
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41. MORNING CHRONICLE, 18 March 1853.
42. IBID.
43. GLOBE, 29 March 1853.
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93. MORNING CHORNICLE, 18 March 1853.

94. GLOBE, 29 March 1853.
95. IBID.
96. MORNING CHRONICLE, 18 March 1853.
97. GLOBE, 29 March 1853.
98. MORNING CHRONICLE, 18 March 1853.
99. GLOBE, 29 March 1853.
100. MORNING CHRONICLE, 18 March 1853.
101. PILOT, 22 March 1853.
102. GLOBE, 29 March 1853.
103. IBID.
104. IBID.
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106. MORNING CHRONICLE, 18 March 1853.
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117. GLOBE, 29 March 1853.
118. IBID.
119. MORNING CHRONICLE, 18 March 1853.
120. GLOBE, 29 March 1853.
121. MORNING CHRONICLE, 18 March 1853.
122. GLOBE, 29 March 1853.
123. MORNING CHRONICLE, 18 March 1853.
124. GLOBE, 29 March 1853.
125. IBID.
126. MORNING CHRONICLE, 18 March 1853.
127. GLOBE, 31 March 1853. MORNING CHRONICLE, 18 March 1853, commented that
 "The discussion continued for some time but nothing new was brought out.
 The principles argued on both sides on the second reading were reiterated."
128. GLOBE, 31 March 1853.
129. IBID.
130. IBID.
131. IBID.
132. IBID.
133. MORNING CHRONICLE, 18 March 1853.
134. GLOBE, 31 March 1853.
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. IBID.
140. IBID.
141. IBID.
142. IBID.
143. MORNING CHRONICLE, 18 March 1853.
144. GLOBE, 31 March 1853.
145. MORNING CHRONICLE, 18 March 1853.
146. GLOBE, 31 March 1853.
147. GLOBE, 31 March 1853. Mr. Hincks' list of amendments for the division

- of Counties and Towns into electoral divisions was reported at length by MORNING CHRONICLE, 18 March 1853, and LA MINERVE, 22 March 1853.
148. GLOBE, 31 March 1853.
 149. IBID.
 150. IBID.
 151. IBID.
 152. MORNING CHRONICLE, 18 March 1853.
 153. GLOBE, 31 March 1853.
 154. IBID.
 155. IBID.
 156. IBID.
 157. MORNING CHRONICLE, 18 March 1853.
 158. GLOBE, 31 March 1853.
 159. MORNING CHRONICLE, 18 March 1853.
 160. GLOBE, 31 March 1853.
 161. MORNING CHRONICLE, 18 March 1853.
 162. GLOBE, 31 March 1853.
 163. MORNING CHRONICLE, 18 March 1853.
 164. GLOBE, 31 March 1853.
 165. IBID.
 166. MORNING CHRONICLE, 18 March 1853, reported that "The House adjourned at half-past twelve."
 167. GLOBE, 31 March 1853.
 168. GLOBE, 31 March 1853, and JOURNAL DE QUEBEC, 19 March 1853, reported this Notice of Motion in identical accounts.
 169. GLOBE, 31 March 1853.
 170. The following papers reported this Notice of Question in identical accounts: MONTREAL GAZETTE, 23 March 1853 (which misdated its account as 18 March 1853), MORNING CHRONICLE, 28 March 1853, GLOBE, 31 March 1853, JOURNAL DE QUEBEC, 19 March 1853, and LA MINERVE, 22 March 1853. LA MINERVE, 22 March 1853, also contained a commentary stating that: "Cette question, discutée depuis si longtemps et si souvent dans la presse et dans le parlement du Canada l'a été aussi tout récemment dans la législature impériale où l'on a fait preuve d'un manque palpable d'exactitude et de connaissance des faits, en plaçant sur le même pied les réserves du clergé protestant, et les biens désignés sous le nom de dotations catholiques romaines. Nos législateurs vont être appelés à se prononcer sur ces erreurs commises dans le parlement impérial, et nous verrons quels sont ceux d'entre eux qui prétendent avoir le droit de mettre la main sur ces biens appartenant [sic] aux catholiques, et ceux qui prétendent que ce droit n'existe pas, comme il existe pour les réserves du clergé qui sont des octrois de la couronne [sic]. On verra dans quelle catégorie le Journal de Québec trouvera les socialistes!"
 171. JOURNAL DE QUEBEC, 19 March 1853.
 172. This Notice of Question was reported in partially identical accounts by: MONTREAL GAZETTE, 23 March 1853 (which misdated its account as 18 March 1853), GLOBE, 31 March 1853, and JOURNAL DE QUEBEC, 19 March 1853.
 173. GLOBE, 31 March 1853.

THURSDAY, 17 MARCH 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Hartman,--The Petition of the Municipality of the Township of Mono.

By Mr. Brown,--The Petition of Thomas Savage and others, Students in the Faculty of Medicine in the University of Toronto.

By Mr. White,--The Petition of A. Sproat, Esquire, and others, of the Township of Esquesing, County of Halton.

By the Honorable Mr. Badgley,--The Petition of Benjamin Brewster and others, citizens and residents of the City of Montreal.

By Mr. Tessier,--The Petition of the Reverend T.Z. Gingras and others, of the Parish of St. Basile; and the Petition of George M. Ross and others, Ship-Owners, Mariners, and others interested in the navigation of the River St. Lawrence between the Ports of Quebec and Montreal; and the Petition of E. Lami dit Caliche.

By Mr. Dubord,--The Petition of the Mayor and Councillors of the City of Quebec.

By Mr. Smith of Frontenac,--The Petition of the Municipality of the Township of Pittsburgh.

Pursuant to the Order of the day, the following Petitions were read:--

Of Alexander McI'oughton and others; of Robert Miller and others; and of Charles Kelly and others, Reeves, Deputy Reeves, and Councillors of the County of Halton; praying that the Village of Milton may be appointed to be the County Town of the said County, in the event of its separation from the County of Wentworth.

Of William Price, Esquire, and others, of the City of Quebec; praying for an Act of incorporation under the name of the Quebec and Trois Pistoles Navigation Company.

Of John Walker and others, of the Township of Holland, Owen Sound, County of Grey; and of Christopher Armstrong and others, of the Township of Egremont, County of Grey; praying for the passing of an Act to authorize the construction of a Railway from Guelph to Owen Sound, as a continuation of the Toronto and Guelph Railroad.

Of the Mayor, Aldermen, and Commonalty of the City of Hamilton; praying for the passing of an Act to enable the said City to consolidate its Debt, and also to obtain Land in the said City for the purposes of sewerage.

Of William Young and others, of the Village of Brampton, Canada West; of John W. Smith and others, of the Village of Grafton; and of the Reverend R.H. Thomson and others, of the Village of Oshawa; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Provincial Canals.

Of the Municipal Council of the County of Quebec; and of the Reverend J.A. Mayrand and others, of the Parish of Ste. Ursule, County of St. Maurice; praying for the incorporation of a Company to construct a Railway from Quebec to Montreal

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on the North Shore of the River St. Lawrence, and that the Provincial guarantee may be extended thereto.

Of the Town Council of the Town of London; praying that all the Streets in the new Survey of the said Town may be reduced to the width of one chain.

Of John Gilmour and others, owners of Park Lots in Lot No. 12 of the 13th Concession of the Township of Monaghan; praying that the Bill to confirm a certain allowance for Road in the said Township, and to provide for the compensation of persons suffering loss by the confirmation of such allowance, may not pass into Law.

Of Edmond Chamberlen, of the Town of Peterborough; representing that he is proprietor of certain Park Lots in the Township of Monaghan, and as such that his rights are endangered by a Bill before the House relating to the said Township, and praying that no unnecessary encroachment may be made upon his land, or otherwise that he be sufficiently compensated therefor.

Of the Town Council of the Town of Peterborough; praying that the Inhabitants of the said Town may be exempted from paying the costs of planting stone monuments at the various angles of the Park Lots in the Township of Monaghan, proposed by the Bill to confirm a certain allowance for Road in that Township.

Of the Municipal Council of the United Counties of Peterborough and Victoria; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating Liquors, except for medicinal and mechanical purposes.

Of Thomas McGinn and others, Depositors and Claimants against the Montreal Provident and Savings Bank; praying for the appointment of one or more Trustees to represent the Depositors in the said Bank, and that the said Trustee or Trustees be empowered to proceed against the Directors of the said Bank for the recovery of the amount of their respective Deposits.

Of J.P. Trudel, Esquire, and others, of the Parish of Ste. Ursule, County of St. Maurice; praying for aid to open Roads through certain Townships in the District of Three Rivers.

Of the Reverend J. Mockridge, Rector of Warwick, in the County of Lambton; praying for the passing of an Act to authorize the exchange of a certain Lot in the Township of Warwick, patented as a Glebe, for a certain adjoining Lot, in order to remedy an error committed by Government.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly of the 20th September, 1852, for a full, clear and detailed Statment of the estate, property, income, debts, and expenditure, and of all the pecuniary and temporal affairs of the Corporation of "The Ecclesiastics of the Seminary of St. Sulpice of Montreal," from the date of its incorporation to the first day of January, 1852.

For the said Return, see Appendix (Y.Y.Y.)

Mr. McDonald of Cornwall, from the Standing Committee on Standing Orders, presented to the House the Twenty-ninth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Municipal Council of the Town of St. Catharines, for an extension of the provisions of the Consolidated Loan Fund Act of Upper Canada, to Loans contracted for supplying Cities and Towns with Water and Gas, or the extension of the same to a Loan to be contracted for this purpose by the Municipal Council of St. Catharines, and they consider that the latter portion of this prayer, though of a local character, prays for the extension of a Public Act, and therefore does not come under the provisions of the Rules relative to Notice.

They have also examined the Petition of the Honorable John Young and the

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Honorable W. Badgley, for the incorporation of the Montreal Exchange, and they are of opinion that it is not of such a nature as to require the publication of Notice.

The Honorable Mr. LaTerrière, from the Select Committee appointed to draw up Reasons to be offered to the Legislative Council, at a Conference, for disagreeing to the Amendments made by their Honors to the Bill, intituled, "An Act to prevent fishing with Seines and other Nets for Trout and other Fish in the Lakes within the County of Saguenay," reported, That the Committee had drawn

up a Reason accordingly; which was read, as followeth:--

Because, in absolutely prohibiting the pernicious practice of fishing Trout with Gill or other Nets, it was not intended to prevent any person from fishing or catching Trout or other Fish with lines, hooks, or spears, during any part of the year.

The said Reason, being read a second time, was agreed to.

Resolved, That a Conference be desired with the Legislative Council, for the purpose of communicating to them the Reason which induced the House not to concur in the Amendments made by their Honors to the said Bill.

Ordered, That the Honorable Mr. LaTerrière do go to the Legislative Council, and desire the said Conference.

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Thirteenth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to authorize the formation of a Company to construct a Railroad on the North Shore of the River St. Lawrence, from the City of Quebec to the City of Montreal, or to some convenient point on any Railway leading from Montreal to the western Cities of this Province, and have agreed to report the same with several amendments.

Ordered, That the Bill to authorize the formation of a Company to construct a Railroad on the North Shore of the River St. Lawrence, from the City of Quebec to the City of Montreal, or to some convenient point on any Railway leading from Montreal to the western Cities of this Province, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Monday next.

Ordered, That the Bill to incorporate the St. Roch's Reading Room, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That the Petition of C.J. Forbes, Esquire, and others, of St. Andrews, County of Two Mountains, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That the Committee had a second time taken into consideration an application of the Sitting Member for delay until Monday next, to continue the examination of his Witnesses, and an affidavit produced by him yesterday in support of his application, and had also taken into consideration a Motion of the Petitioners dated yesterday, as well as one dated this day, alleging that the Sitting Member had not used the necessary diligence to procure his Witnesses, and praying that the examination be declared closed; and that, after a mature deliberation, they were unanimously of opinion, that the said Motions should be set aside and negatived, and that the delay re-

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quired by the Sitting Member should be granted to him.

Ordered, That the Select Committee on the Kamouraska Election Petition have leave to adjourn till Monday next, in order to allow the Sitting Member a further delay for the production of his Witnesses.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to enable the Town of St. Catharines to borrow money on the credit of the Consolidated Municipal Loan Fund of Upper Canada, for the purpose of Lighting that Town with Gas, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on

Monday the twenty-eighth day of March instant.

Resolved, That the Petition of the Town Council of the Town of London, be referred to a Select Committee, composed of Mr. Dixon, Sir Allan N. MacNab, Mr. Willson, Mr. Ridout, and Mr. Burnham, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That the Honorable Mr. Young have leave to bring in a Bill to incorporate the Montreal Exchange.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

A Bill from the Legislative Council, intituled, "An Act to make certain provisions relative to the Counties of Perth, Brant, and Waterloo," was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Richards do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath passed the same, without any Amendment.

A Message from His Excellency the Governor General, by René Kimber, Esquire, Gentleman Usher of the Black Rod:--

Mr. Speaker,

His Excellency the Governor General desired the immediate attendance of this Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Legislative Council Chamber:--

And being returned;

Mr. Speaker reported, That agreeable to the commands of His Excellency the Governor General, the House had attended upon His Excellency in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's Name, the Royal Assent to the following Public and Private Bills:--

An Act to incorporate the Society for the erection of an Hotel in the City of Quebec.

An Act to provide for the construction of a general Railway Bridge over the River St. Lawrence, at or in the vicinity of the City of Montreal.

An Act to appropriate certain unexpended balances of the School Fund for Lower Canada, and certain other sums out of the Jesuits' Estates Fund, for Educational purposes in Lower Canada.

An Act to amend the Act of the present Session for the relief of the Sufferers by the late Fire at Montreal.

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An Act to authorize the Company of Proprietors of the Champlain and Saint Lawrence Railroad to consolidate their Debt, and for other purposes.

An Act to extend the provisions of the Railway Companies Union Act to Companies whose Railways intersect the main Trunk Line, or touch places which the said Line also touches.

On motion of SIR A. MACNAB,¹

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The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Ontario and Huron Railway Company;²

The object of the bill is to build a Railroad from Port Sarnia to intersect the Great Western at London.³

MR. BROWN objected to a clause of the bill which revived several railway acts, extending over a period of twenty years. The hon. and gallant knight should define the acts he wished to revive. It was a bad principle to legislate in the dark.⁴

SIR A. MACNAB said there were only two or three acts that would be revived.⁵

MR. BROWN said there would be at least ten.⁶

The clause was carried, on division⁷.

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Smith of Frontenac reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Smith of Frontenac reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

On motion of MR. CLAPHAM,⁸

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The Order of the day for the second reading of the Bill to incorporate the Megantic Junction Railway and Canal Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

On motion of MR. TESSIER,⁹

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The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Carouge Pier, Wharf, and Dock Company;¹⁰

MR. DUBORD said, read the bill in French. He went on to complain that he had not had an opportunity of reading the bill. He had been appointed to the Select Committee to which this bill was referred, but he had never had notice sent to him of the meeting of the committee.¹¹

After some [further] conversation, the committee rose and reported progress, to afford Mr. Dubord and other members, time to look into the bill.¹²

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Monday next.

The House, according to Order, again resolved itself into a Committee on the Bill to enlarge the Representation of the People of this Province in Parliament;¹³

MR. MALLOCH ... [took] the chair.¹⁴

On motion of MR. PROV. SEC. MORIN the various amendments relating to Lower Canada were taken into consideration.¹⁵ [He] entered into some explanations of the details of the proposed representation for Lower Canada. But his remarks were not intelligible in the Reporter's Box.¹⁶

MR. BADGLEY stated that he had looked over the amendments. In Lower Canada, principally, the country where there are Roman Catholic establishments, is divided into parishes.¹⁷ [He] said the new division of counties was not made upon any particular principle, and he would not then go into a particular description of them. But he would reserve for himself another opportunity to

speak on the merits of the bill, both as it affected Upper and Lower Canada.¹⁸
 The entire population of Lower Canada was¹⁹, at present²⁰, 890,000, of which
 230,000²¹ are not of French origin. The hon. gentleman thought it would be
 necessary for them to investigate how many of the population in each particular
 parish were of one origin and how many were of another origin, which he said
 created a great difference, provided an equality of electoral divisions would
 be got. In that case,²² looking at the representation of²³ Lower Canada in
 1835, the population for each division would be about 13,000 souls. Many of
 these divisions contain more at present, but these divisions appear to have
 arisen from the very nature of the settlement of the counties in Lower Canada
 and from the difference in respect of origin. He would, however, await the
 report of the committee to see how the amendments would be received²⁴, in
 order that he might ascertain further about it.²⁵

Mr. Morin's amendments were then put and carried. But it was impossible
 to report the conversation about the table²⁶.

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*and after some time spent therein, Mr. Speaker resumed the Chair; and Mr.
Malloch reported, That the Committee had made some progress, and directed
 him to move for leave to sit again.*

Ordered, That the Committee have leave to sit again To-morrow.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

*Then, on motion of the Honorable Mr. Hincks, seconded by the Honorable Mr.
Young,*

The House adjourned.²⁷

FOOTNOTES: 17 MARCH 1853.

1. PILOT, 22 March 1853.
2. The following papers reported the exchange on this matter in identical accounts: MORNING CHRONICLE, 18 March 1853, PILOT, 22 March 1853, MONTREAL GAZETTE, 23 March 1853, BRITISH COLONIST, 29 March 1853, NORTH AMERICAN SEMI-WEEKLY, 29 March 1853, HAMILTON SPECTATOR WEEKLY, 30 March 1853 (which copied from QUEBEC MERCURY of unknown date), and NORTH AMERICAN WEEKLY, 31 March 1853. The exchange was noted by HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1853.
3. MORNING CHRONICLE, 18 March 1853.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. The following papers reported the exchange on this matter in identical accounts: MORNING CHRONICLE, 18 March 1853, PILOT, 22 March 1853, MONTREAL GAZETTE, 23 March 1853, BRITISH COLONIST, 29 March 1853, and HAMILTON SPECTATOR DAILY, 30 March 1853 (which copied from QUEBEC MERCURY of unknown date).
11. MORNING CHRONICLE, 18 March 1853.
12. IBID.
13. The following papers reported the exchange on this matter in identical accounts: MORNING CHRONICLE, 18 March 1853, PILOT, 22 March 1853, MONTREAL GAZETTE, 23 March 1853, BRITISH COLONIST, 29 March 1853, NORTH AMERICAN SEMI-WEEKLY, 29 March 1853, HAMILTON SPECTATOR DAILY, 30 March 1853 (which copied from QUEBEC MERCURY of unknown date), and NORTH AMERICAN WEEKLY, 31 March 1853. The exchange was also reported by GLOBE, 31 March 1853. It was noted in identical accounts by: GLOBE, 19 March 1853, HAMILTON SPECTATOR DAILY, 19 March 1853, and HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1853. LA MINERVE, 22 March 1853, also noted it.
14. GLOBE, 31 March 1853.
15. IBID.
16. MORNING CHRONICLE, 18 March 1853.
17. GLOBE, 31 March 1853.
18. MORNING CHRONICLE, 18 March 1853.
19. GLOBE, 31 March 1853.
20. MORNING CHRONICLE, 18 March 1853.
21. GLOBE, 31 March 1853. MORNING CHRONICLE, 18 March 1853, reported "220,000."
22. GLOBE, 31 March 1853.
23. MORNING CHRONICLE, 18 March 1853.
24. GLOBE, 31 March 1853.
25. MORNING CHRONICLE, 18 March 1853.
26. MORNING CHRONICLE, 18 March 1853, which added "...and the amendments will be published when the report of the committee comes up."
27. GLOBE, 31 March 1853, reported that "the House continued in Committee on the electoral divisions of Lower Canada until 11 P.M.... The House then adjourned."

FRIDAY, 18 MARCH 1853.

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MR. SPEAKER laid before the House, a Statement of the Affairs of the St. Lawrence and Atlantic Railroad Company.

For the said Statement, see Appendix (I.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Stuart,--The Petition of John Thomson and others, proprietors and occupiers of land within the Banlieue of Quebec.

By Mr. Wright of the West Riding of York,--The Petition of John Embleton and others, of the Village of Streetsville.

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By the Honorable Mr. Cameron,--The Petition of Gilbert Wrong, Esquire, President, on behalf of the Township of Malahide Agricultural Society of the United Counties of Middlesex and Elgin.

By the Honorable Mr. Robinson,--The Petition of the Municipality of the Townships of Tiny and Tay.

By Mr. Seymour,--The Petition of H.G. Stoughton and others, of the Township of Sheffield, County of Addington.

By Mr. Sicotte,--The Petition of the Reverend J.A. Provençal and others, of the Parish of St. Césaire, County of St. Hyacinthe; the Petition [of] T.N. Auger and others, of the Parish of St. Jean Baptiste de Rouville; and the Petition of F.H. Goddu, Mayor, and others, of the Parish of L'Ange Gardien, County of St. Hyacinthe.

By Mr. Ridout,--The Petition of John G. Bowes, Esquire, Mayor, on behalf of the Common Council of the City of Toronto.

By Mr. Shaw,--The Petition of the Municipal Council of the United Counties of Lanark and Renfrew; and the Petition of the Municipal Council of the Town of Perth.

By the Honorable Mr. LaTerrière,--The Petition of Louis Z. Rousseau, Esquire, of Bagotville, in the County of Saguenay.

By Mr. Mattice,--The Petition of George Grant and others, of the Village of Dickinson's Landing.

By the Honorable Mr. Badgley,--The Petition of Bartholomew C.A. Gagy, Esquire, Seigneur of Grandpré, Groisbois [sic], and Dumontier.

Pursuant to the Order of the day, the following Petitions were read:--

Of Mrs. Ellen Daniell of the Township of Toronto, County of Peel, and others, praying for the passing of an Act to vest in them, as the Trustees of the Estate of the late Stanurs Daniell, a certain Road allowance in the said Township, in lieu of a more convenient Road granted from the said Estate.

Of Jean Bruneau and others, Proprietors of Farms situated at Rivière St. Pierre, Lower Lachine, County of Montreal; praying that the Bill to authorize the Corporation of Montreal to borrow money and erect Water Works therewith for the use of the City, may be so amended as to protect the said Farms from damage thereby.

Of William Lyon Mackenzie, Esquire, Executor to the Estate of the late Robert Randall, Esquire; representing that broken Lot No. 39, Concession A, in the Township of Nepean, belonging by right to the said Estate, is about to be granted by the Government to Mr. Rochester and E. Malloch, Esquire, and thereby alienated from the said Estate, and praying for investigation in the premises.

Of the Peterborough and Port Hope Railway Company; praying for certain amendments to the Act incorporating the said Company.

Of John G. Bowes, Esquire, of the City of Toronto, and others; praying for

an Act of Incorporation under the name of "The Toronto, Owen Sound, and Saugeen Railway Company."

Of the Toronto and Guelph Railway Company; praying for the passing of an Act to incorporate certain persons under the name of "The Toronto, Owen Sound, and Saugeen Railway Company."

Of Julien Guerin and others, of St. Joachim, County of Montmorency; praying for the incorporation of a Company to construct a Railway from Quebec to Montreal on the North Shore of the River St. Lawrence, and that the Provincial guarantee may be extended thereto.

Of André Leroux Cardinal, Chief Messenger to this House; praying indemnity for certain losses sustained by him through the burning of the Parliament House at the City of Montreal, in 1849.

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Ordered, That the Petition of Bartholomew C.A. Gagy, Esquire, Seignior of Grandpré, Grosbois, and Dumontier, be now received and read; and the Rules of this House suspended as regards the same.

And the said Petition was received, and read; representing the difficulties which interfere with the commutation of the Seigniorial Tenure, and the rights of Parties concerned therein, and praying that Legislation in the matter be postponed, and a Commission appointed to adjust the said difficulties and ensure a speedy decision in the premises.

Ordered, That the said Petition be printed for the use of the Members of this House.

Ordered, That the Petition of Jean Bruneau and others, Proprietors of Farms situated at Rivière St. Pierre, Lower Lachine, County of Montreal, be printed for the use of the Members of this House.

Ordered, That the Petition of the Municipality of the Township of Sandwich be referred to the Special Committee to which was referred the Petition of Josiah Strong and others, of the Township of Sandwich, County of Essex.

On motion of MR. J. SMITH of Durham,¹

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Resolved, That the Petition of William Lyon Mackenzie, Esquire, acting Executor to the Estate of the late Robert Randall, of Chippawa, Esquire, be referred to a Committee of seven Members, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Ordered, That Mr. Smith of Durham, Mr. Hartman, the Honorable Mr. Macdonald, Mr. Christie of Wentworth, the Honorable Mr. Robinson, Mr. Fergusson, and Mr. Wright of the West Riding of York, do compose the said Committee.

Ordered, That the Petition of George Husband and others, of the County of Haldimand, be referred to the Select Committee to which was referred the Bill to enable the Directors of the Grand River Navigation Company to place the said Navigation under the control and management of the Provincial Government, under certain conditions.

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Fourteenth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to incorporate the Brockville and Ottawa Railway Company, and have agreed to several amendments thereto, which they humbly submit for the adoption of Your Honorable House.

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Nineteenth Report of the said Com-

mittee; which was read, as followeth:--

Your Committee have examined the Bill to separate the Township of Georgina from the County of Ontario, and annex it to the County of York, and have agreed to report the same without any amendment.

Ordered, That the Bill to separate the Township of Georgina from the County of Ontario and annex it to the County of York, be read the third time on Monday next.

On motion of Mr. Wright of the East Riding of York, seconded by Mr. Hartman, Ordered, That the 64th Rule of this House be suspended as regards a Bill to incorporate the Port Whitby and Lake Huron Railroad Company.

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Ordered, That Mr. Wright of the East Riding of York have leave to bring in a Bill to incorporate the Port Whitby and Lake Huron Railroad Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to authorize the City of Hamilton to negotiate a Loan of Fifty thousand pounds, to consolidate the City Debt, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to amend the Act 13 & 14 Vic. cap. 28, intituled, "An Act to provide for the formation of Incorporated Joint Stock Companies for manufacturing, mining, mechanical, or chemical purposes."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to permit of disinterments in certain cases, and for other purposes therein mentioned," to which they desire the concurrence of this House: And also,

The Legislative Council agrees to the Conference desired upon the subject-matter of the Amendments made by this House to the Bill, intituled, "An Act to prevent fishing with Seines or other Nets for Trout or other Fish in the Lakes within the County of Saguenay," and acquaints this House that the Managers on the part of the Legislative Council are to be the Honorable Messieurs J. Morris, Taché, and Belleau, who are to meet the number of Managers on the part of this House, required by Parliamentary usage, at four o'clock this day, in the Conference Chamber.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act to permit of disinterments in certain cases, and for other purposes therein mentioned," was read the first time.

Resolved, That six Managers be appointed to meet the Managers appointed by the Legislative Council, at the time and place appointed for the holding of the Conference desired upon the Amendments made by their Honors to the Bill, intituled, "An Act to prevent fishing with Seines and other Nets for Trout and other Fish in the Lakes within the County of Saguenay."

Ordered, That the Honorable Mr. LaTerrière, Mr. Christie of Gaspé, Mr. Taché, Mr. Chapais, Mr. Lemieux, and Mr. Cartier, be appointed Managers on the part of this House.

Then the Managers went to the Conference; and being returned:--

The Honorable Mr. LaTerrière reported, That the Managers had been at the Conference, and had delivered the Reason for disagreeing to the said Amendments; and had left the Bill, and Amendments, with their Honors.

The Honorable Mr. Morin moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That a Call of the House be made on Wednesday next;²

MR. PROV. SEC. MORIN moved for a call of the House on Wednesday next³ for the third reading of the representation bill.⁴

MR. H. SMITH (Frontenac) considered it extraordinary that a motion for a call of the House should be made before the bill was out of Committee.⁵ [He] objected to this motion, on the ground that the day fixed was so soon that it would be quite impossible for any of the members who were absent to attend on that day, and that it was contrary to all the usual practice.⁶ [He] contended that it was customary to give longer notice.⁷

SIR A. MACNAB supported this view.⁸

MR. INSP. GEN. HINCKS said the opposition was an attempt to defeat the bill, or at least to inconvenience those members who supported the bill. If any opposition were made to the call it would come with more force from the gentlemen who supported the bill.⁹

An amendment of MR. H. SMITH to defer the call was lost.¹⁰

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Mr. Smith of Frontenac moved in amendment to the Question, seconded by

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Sir Allan N. MacNab, That the words "Wednesday next" be left out, and the words "Monday week" inserted instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Dixon, Gamble, Sir A.N. MacNab, Malloch, McDougall, Eidout, Robinson, Seymour, Stevenson, Smith of FRONTENAC, Street, Willson, and Wright of West Riding of YORK.--(15.)

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Messieurs Brown, Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Attorney General Drummond, Dumoulin, Fergusson, Fournier, Gouin, Hincks, Jobin, Lacoste, Langton, LaTerrière, Laurin, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, McLachlin, Mongenais, Morin, Patrick, Polette, Poulin, Attorney General Richards, Rolph, Rose, Shaw, Sicotte, Smith of DURHAM, Taché, Turcotte, Valois, Varin, Viger, White, Wright of East Riding of YORK, and Young.--(42.)

So it passed in the Negative.

SIR A. MACNAB said, it was usual to give from ten days to six weeks notice of a call in England.¹¹

After further conversation the motion for the call of the House on Wednesday next was carried.¹²

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Then the main Question being put;

Ordered, That a Call of the House be made on Wednesday next.

MR. PROV. SEC. MORIN then moved that those members who should not be present at the call of the House, should be taken into custody.¹³

This motion was also objected to by MR. H. SMITH, but was agreed to without a division.¹⁴

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Resolved, That such Members as shall not then attend, be sent for in custody of the Serjeant-at-Arms attending this House.

Ordered, That Mr. Speaker do cause Circular Letters to be written immediately to the absent Members, enclosing to them copies of the present Resolutions, signed by the Clerk of this House.

The House, according to Order, again resolved itself into a Committee on the Bill to enlarge the Representation of the People of this Province in Parliament;

MR. MALLOCH ... [took] the chair.¹⁵

The consideration of¹⁶ les amendements préparés par l'hon. M. Morin¹⁷ relating to Lower Canada, was again taken up. This matter having been disposed of--¹⁸

MR. INSP. GEN. HINCKS moved an amendment relating to the County of Durham to the effect that it should be divided into East and West Ridings, consisting respectively of the townships of Manvers and Cavan and the town of Port Hope, and the townships of Clarke, Darlington, Cartwright and Hope.¹⁹

MR. J. SMITH (Durham) opposed this arrangement, on the ground that it was not according to population.²⁰

After some further discussion, the amendment was adopted on a division.²¹

MR. INSP. GEN. HINCKS then moved an amendment to the proposed division of the county of Leeds, to the effect that the counties of Leeds and Grenville should be united and divided into three ridings, to be called the ridings of Leeds and Grenville. He said that though the counties had been divided for electoral purposes, they were still united for municipal and judicial purposes.²²

MR. H. SMITH (Frontenac) said that this arrangement was liable to the same objections that were urged against the former arrangement, for it would still be giving two members to the county of Leeds, with one to Grenville as before. There were other counties much better entitled to an additional member than Leeds, and the course proposed would be very inconvenient to the parties interested.²³

MR. INSP. GEN. HINCKS said that the proposed division would give three ridings with a fair proportion of population to each. He went on to eulogize the eastern members for supporting the bill.²⁴

MR. BROWN said there was no wonder at the Eastern members, supporting the bill--for they were the gainers by it. It was made exactly to suit them--they had dictated its terms under the threat, "this or nothing," and the Inspector General has played into their hands. The fifteen most easterly constituencies contained an aggregate population of but 178,204--the fifteen constituencies around Toronto contained 242,557. Was that fair? No wonder that the "Eastern members" were so satisfied!--but there ought to be wonder at the Inspector General's eulogies. Leeds, with 30,280 inhabitants, was to have three members--Peel, with 24,816, was to have but one. No wonder the Eastern men were satisfied! Bytown, Carleton, Prescott and Russell, with a population of 44,754 were to have four members--Halton and Peel, with 43,138 were only to have two. No wonder the Eastern men were satisfied! Cronwall [*sic*], Stormont, Bytown, Carleton, Russell, and Prescott--all lying together--for a population of 57,798 were to have six members. Peel and the two Ridings of York, with a population of

58,541 were but to have three members. No wonder the Eastern men were so satisfied with the bill!²⁵

MR. INSP. GEN. HINCKS said that the member for Kent wanted to destroy this bill--though he did not dare to vote against the third reading of it. (Oh! oh! and confusion.) He wants to put it in a state that other members will vote against it, for he wants it to be lost, though he dare not vote against it himself. He knew that if it was not arranged in a particular way, it could not be carried.²⁶

MR. BROWN said that if he wanted to make political capital out of this bill, all he could desire would be that it should pass with the glaring defects it now contains. If he were in the habit of electioneering as some gentlemen on the treasury benches were--he would vote against the bill; he was very sure that more capital could be extracted from voting against it than by voting for it. He trusted he would never give a vote on such unworthy grounds. The bravado of the Inspector General that he (Mr. Brown) dare not vote against the Bill, had, doubtless, a most thrilling and theatric[al] effect, and was well got up,--but the effect of the thing was decidedly destroyed when it was known that the hon. gentleman was perfectly aware that he (Mr. B.) meant to vote for the third reading. He had told the Inspector General privately that he should do all he could to improve the bill, but would certainly vote for it, as a choice of evils. The challenge of the hon. gentleman was therefore a very poor trick. So far from desiring to upset the bill, he had canvassed in its favour for the last two days, and he was not without hope that some of the gentlemen opposite, if justice were done their counties, would change their minds and enable the bill to be amended and carried without regard to local feelings.²⁷

MR. INSP. GEN. HINCKS said it was now too late. The Bill must go as it was or not at all. It would be most unjust to the eastern members to cast them off now.²⁸

MR. BROWN.--Well, in your hands be the responsibility.²⁹

MR. AT. GEN. RICHARDS would like to know how many hon. gentlemen would vote for the bill as the member for Kent had stated?³⁰

MR. BROWN named the members for Peel, Lanark, and others.³¹

MR. G. WRIGHT (West York) said that if the Government chose to do justice to his county, he might possibly vote for the bill, but he was not going to sell himself to the Government for the sake of one vote.³²

The amendment was then put, and carried on a division.³³

MR. INSP. GEN. HINCKS then moved the clause relating to Niagara.³⁴

MR. STREET opposed this motion on the ground, that to make up the population of the constituency of Niagara, the population of his own constituency would be so reduced, that some day hereafter, he himself or his successor, would be taunted with representing a rotten borough.³⁵

MR. MERRITT then moved an amendment, which was not heard in the gallery.³⁶

MR. RIDOUT could not sanction the motion.³⁷

MR. H. SMITH of Frontenac, said that if the hon. member for Lincoln, wanted to have his motion carried, all he had to do was to go to the Government and say, that if they did not grant it, he would vote against the bill, and they would give it at once. (Laughter.)³⁸

MR. MERRITT's amendment was lost.³⁹

The original amendment was then put and carried.⁴⁰

MR. INSP. GEN. HINCKS then moved the clause relating to Toronto.⁴¹

MR. RIDOUT said he could not at present make any objection, but when the bill came before the House at some future time, for a third reading, he, or some other member, might possibly make a motion thereon. He, however, saw no objection to the appropriation of two members to Toronto.⁴²

Amendment carried.⁴³

Several amendments were then put and carried⁴⁴.

MR. LANGTON said, he was not aware that the divisions of the counties and towns were to make any difference in the franchise, as regarded the last amendment, there being only half a dozen members for Upper Canada then present, he did not think he and hon. members should be taken by surprise.⁴⁵

MR. GAMBLE did not think such an arrangement could be carried out consistently with the bill for establishing the franchise, because some would be assessed according to the yearly value, or others according to the actual value.⁴⁶

On the motion of MR. PROV. SEC. MORIN, the 8th clause was agreed to be struck off.⁴⁷

The 9th and 10th clauses were then put and carried.⁴⁸

MR. INSP. GEN. HINCKS thought the most advisable course in regard to this bill, was, that the House should rise and report progress and all that had taken place should be printed, and brought up on Monday evening for consideration. In the mean time an opportunity would be afforded of examining the amendments. There was nothing left now, but to adopt the preamble.⁴⁹

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Monday next; and that it be then the first Order of the day, and take precedence of Notices of Motions.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of the Honorable Mr. Macdonald, seconded by the Honorable Mr. Morin,

The House adjourned until Monday next.

APPENDIX: 18 MARCH 1853.

[NOTICE OF MOTION RE: EXTENSION OF AUTHORITY TO JOINT STOCK COMPANIES FOR ROADS IN L.C.]

MR. JOHNSON [gave notice that] on Monday next [he will introduce a] Bill to so extend the provisions of the Act for the formation of Joint Stock Companies for macadamized Roads, &c., in Lower Canada, as to authorize its application to the dredging of and removing the obstructions in Rivers and Streams.⁵⁰

[NOTICE OF MOTION RE: PROTECTION OF MILL OWNERS.]

MR. LANGTON [gave notice that] on Monday next [he will introduce a] Bill for the protection of Mill Owners from vexatious actions.⁵¹

[NOTICE OF MOTION RE: EXTENDED AUTHORIZATION OF JOINT STOCK COMPANIES IN U.C.]

MR. STEVENSON [gave notice that] on Monday next [he will introduce a] Bill more fully to extend the "Act to authorize the formation of joint Stock Companies for the construction of Roads and other Works in Upper Canada," to the construction of Ports, Wharves and Harbours.⁵²

FOOTNOTES: 18 MARCH 1853.

1. GLOBE, 31 March 1853.
2. The following papers reported the debate on this matter in identical accounts: GLOBE, 19 March 1853, HAMILTON SPECTATOR DAILY, 19 March 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1853, and EXAMINER, 23 March 1853; MORNING CHRONICLE, 21 March 1853, MONTREAL GAZETTE, 23 March 1853, BRITISH COLONIST, 29 March 1853, NORTH AMERICAN SEMI-WEEKLY, 29 March 1853, and NORTH AMERICAN WEEKLY, 31 March 1853. The debate was also reported by GLOBE, 31 March 1853.
3. MORNING CHRONICLE, 21 March 1853.
4. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1853.
5. MORNING CHRONICLE, 21 March 1853.
6. GLOBE, 31 March 1853.
7. HAMILTON SPECTATOR SEMI-WEEKLY, 19 March 1853.
8. MORNING CHRONICLE, 21 March 1853.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. GLOBE, 31 March 1853.
14. IBID.
15. IBID.
16. IBID.
17. LA MINERVE, 24 March 1853.
18. GLOBE, 31 March 1853. LA MINERVE, 24 March 1853, reported the complete text of Mr. Morin's amendments.
19. GLOBE, 31 March 1853.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
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35. IBID.
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47. IBID.
48. IBID.

- 49. IBID.
- 50. IBID.
- 51. IBID.
- 52. IBID.

MONDAY, 21 MARCH 1853.

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MR. SPEAKER laid before the House, a Statement of the Affairs of the Bank of Montreal, on the 28th February 1853.

For the said Statement, see Appendix (R.)

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The following Petitions were severally brought up, and laid on the table:--

By Mr. Malloch,--The Petition of N. Sparks and others, of the Country bordering on the Ottawa River.

By Mr. Turcotte,--The Petition of Antoine Chrétien and others, of the Parish of Ste. Ursule, County of St. Maurice.

By Mr. Fergusson,--The Petition of the Hamilton Mercantile Library Association.

By Mr. Dixon,--The Petition of M. Anderson and others, of the Counties of Middlesex and Elgin.

By Mr. Shaw,--The Petition of the Municipal Council of the Town of Perth; and the Petition of R. Bell and others, of the Village of Carleton Place.

By Mr. Hartman,--The Petition of the Reverend Michael Timlin and others, of Upper Canada.

By Mr. Mattice,--The Petition of James Kyle and others, Office-bearers of the Free Presbyterian Church of Winchester; the Petition of the Reverend J.C. Quin and others, the Minister and Office-bearers of the Free Church of Cornwall; and the Petition of the Reverend J. Charles Quin and others, Members and Office-bearers of the Presbyterian Free Church of Osnabruck.

By Mr. Polette,--The Petition of the Municipal Council of the County of Champlain.

By the Honorable Mr. Cameron,--The Petition of Gerald Morgan and others, of the Townships of Tuckersmith and Stanley, County of Huron; the Petition of James Gibb, Esquire, and others, of the City of Quebec; and the Petition of James Barge and others, of the Township of Stanley.

By Mr. Crawford,--The Petition of the Municipality of the Township of Escott.

By Mr. Willson,--The Petition of the Reverend Thomas B. Read and others, of the Village of Vienna, Canada West.

By Mr. Wright of the East Riding of York,--The Petition of the Provisional Municipal Council of the County of Ontario.

By Mr. Cartier,--The Petition of Miss Marie Josephte Duperez, of Montreal.

By Mr. McLachlin,--The Petition of Hamnett Hill, President, and others, Trustees of the Bytown Mechanics' Institute and Athenaeum.

By Mr. Tessier,--The Petition of the Reverend Joseph Laberge and others, of the Parish of L'Ancienne Lorette.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Municipality of the Township of Mono; praying that the said Township may be attached to the County of Peel, and exempted from the Railroad Debt of the County of Simcoe.

Of Thomas Savage and others, Students in the Faculty of Medicine in the University of Toronto; praying that the Faculties of Law and Medicine in the said University may not, as proposed by the Bill relating thereto, be abolished, --or otherwise that the said Faculties may be continued a sufficient length of time to enable matriculated Students therein to obtain their Degrees, in prospect of which they have entered upon the respective course of study.

Of A. Sproat, Esquire, and others, of the Township of Esquesing, County of Halton; praying for the repeal of the Common School Law, and the enactment of a Law similar to that in force previous to the year 1841.

Of Benjamin Brewster and others, citizens and residents of the City of

Montreal; praying for the incorporation of a Company to construct a Railway from the said City to some point at or near the Town of Bytown.

Of the Reverend T.Z. Gingras and others, of the Parish of St. Basile; praying for the incorporation of a Company to construct a Railroad from Quebec to Montreal on the North Shore of the River St. Lawrence, and that the Provincial guarantee may be extended thereto.

Of George M. Ross and others, Ship-Owners, Mariners, and others interested

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in the navigation of the River St. Lawrence between the Ports of Quebec and Montreal; praying that no tax for the improvement of Lake St. Peter, as proposed by a Bill relating thereto, may be imposed on River Craft navigating between the said Ports.

Of E. Lami dit Caliche; representing that in good faith he has enjoyed possession of certain property in the Indian Village of Lorette, being and believing himself to be of Indian descent, but that he has been compelled to abandon the said property by virtue of the Ordinance 4 Vic. cap. 44, and praying relief in the premises.

Of the Mayor and Councillors of the City of Quebec; praying for the passing of an Act to amend certain Acts for supplying the said City and parts adjacent with Water, and to increase the amount authorized to be raised for that purpose.

Of the Municipality of the Township of Pittsburgh; praying that the Great Cataraqui River and the Rideau Canal may be made the boundary line between the said Township and the Township of Kingston.

Of John Thomson and others, proprietors and occupiers of land within the Banlieue of Quebec; praying that the existing limits of the said City may remain unaltered.

Of John Embleton and others, of the Village of Streetsville; and of George Grant and others, of the Village of Dickinson's Landing; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Provincial Canals.

Of Gilbert Wrong, Esquire, President, on behalf of the Township of Malahide Agricultural Society of the United Counties of Middlesex and Elgin; praying that in the event of any new appropriation of a certain block of land in the Town of London granted for Free Fairs, the interests of the Agricultural Societies of the County of Elgin may be duly considered.

Of the Municipality of the Townships of Tiny and Tay; praying for certain amendments to the Act to amend the Act incorporating the Ontario, Simcoe, and Huron Union Railroad Company.

Of H.G. Stoughton and others, of the Township of Sheffield, County of Addington; praying for certain amendments to the existing Law with regard to the sale and cutting of Timber on the Crown, School, and Clergy Lands.

Of the Reverend J.A. Provencal and others, of the Parish of St. Césaire, County of St. Hyacinthe; of T.N. Auger and others, of the Parish of St. Jean Baptiste de Rouville; and of F.H. Goddu, Mayor, and others, of the Parish of L'Ange Gardien, County of St. Hyacinthe; praying that the village of St. Césaire may be made the County Seat of the proposed new County of Rouville.

Of John G. Bowes, Esquire, Mayor, on behalf of the Common Council of the City of Toronto; praying for the passing of an Act to enable the said Council to construct an Esplanade in front of the said City, and for other purposes connected therewith.

Of the Municipal Council of the United Counties of Lanark and Renfrew; praying for certain amendments to the Law regulating the Standard of Weights and Measures in so far as relates to certain species of grain.

Of the Municipal Council of the Town of Perth; praying that the Law

relating to the Licensing of Auctioneers may be so amended as to enable each Municipality to impose a Tax on Auctions held within their respective limits.

Of Louis Z. Rousseau, Esquire, of Bagotville, in the County of Saguenay; praying payment of a certain amount for his services in taking the Census of a certain part of the said County.

Ordered, That the Petition of N. Sparks and others, of the Country bordering on the Ottawa River, be now received and read; and the Rules of this House suspended as regards the same.

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And the said Petition was received and read; praying for an Act of Incorporation under the name of "The Bytown and Pembroke Railway Company."

Mr. Seymour, from the Standing Committee on Contingencies, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee, among other subjects brought before them, have considered the expediency of supplying the Reading Room with some of the more prominent Periodicals of the London and Paris Press, and would beg to recommend that the Clerk be authorized to obtain the following London papers, viz:--The Times; the Daily News; the Spectator; the Examiner; the Britannia; the Despatch; the Morning Herald; and the Economist.

Also, the following Paris Papers, viz:--The Moniteur; the Siècle; and the Constitutionnel.

Your Committee would also recommend to the consideration of Your Honorable House, that the usual allowance for Mileage of Members from and to the Seat of Government, in consequence of the Recess, commencing from the 10th November last, be paid by the Clerk as a contingency of the present Session, at the same rate as if the Sittings that commenced on the 14th of February last, had been a separate Session.

From the Statement made by the Clerk of Your Honorable House to the Committee, it is recommended that a further sum of Five thousand pounds be granted on account of the Contingencies.

And the said Report being again read;

Resolved, That this House doth concur with the Committee in the said Report.

On motion of Mr. Seymour, seconded by Mr. Gamble,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to issue his Warrant in favor of William Burns Lindsay, Esquire, Clerk of this House, for a further sum of Five thousand pounds, on account of the Contingencies of this House; and assuring His Excellency that this House will make good the same.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Mr. Lemieux, from the Standing Committee on Standing Orders, presented to the House the Thirtieth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of Mrs. Ellen Daniell and others, for the vesting of a certain Road allowance in the Trustees to the Estate of the late S. Daniell,--and of John G. Bowes, Esquire, for power to the Corporation of Toronto to construct an Esplanade in front of the said City, and find the Notices correct. Sufficient Notice has also now been proved upon the Petition of John C. Ball and others, for a permanent union of Lincoln and Welland.

Upon the Petition of the Town Council of the Town of London, for a reduction of the width of certain Streets in the new Survey of that Town to one chain, Your Committee find that sufficient length of Notice was given, but that the proposed width of the said Streets is stated therein to be six rods, while the Petition prays that they may be reduced to the width of one chain (or four rods); Your Committee would therefore respectfully recommend that in any Bill to be passed in relation thereto, the terms of the Notice be strictly adhered to.

Upon the Petition of the Mayor and Corporation of the City of Hamilton, for authority to consolidate their City Debt, and to obtain land for the purposes of sewerage, Your Committee find that due Notice has been given with respect to the consolidation of the Debt, but that the Notice contains no definite mention of the other matter included in the Petition; they there-

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fore beg to recommend that the applicants be allowed to proceed only upon so much of their Petition as relates to the consolidation of the City Debt.

On the Petition of William Price and others, for incorporation of the Quebec and Trois Pistoles Navigation Company, it appears that no Notice has been given; but inasmuch as the parties merely apply for the ordinary corporate powers for a purpose which can in no way interfere with private rights or interests, Your Committee beg leave to recommend that the 64th Rule be suspended in this case.

Ordered, That the Return relative to the Seminary of St. Sulpice of Montreal, which was presented on Thursday last, be printed for the use of the Members of this House.

Ordered, That Mr. Burnham have leave to bring in a Bill to amend and extend "An Act to incorporate the Cobourg and Peterborough Railway Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

On motion of Mr. Tessier, seconded by Mr. Turcotte,

Ordered, That the Bill from the Legislative Council, intituled, "An Act to permit of disinterments in certain cases, and for other purposes therein mentioned," be read a second time To-morrow.

MR. LEBLANC¹ moved an humble Address to His Excellency for papers connected with the late proceedings of the Rebellion Losses Commissioners.²

MR. PROV. SEC. MORIN could see no good end to be served by granting this motion. It could only serve the purpose of exciting animosities which had better be allowed to sleep.³

A few words in reply [came] from MR. LEBLANC⁴.

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Mr. LeBlanc moved, seconded by Mr. Fortier, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, copies of the Commission and Instructions given to the Commissioners appointed, in 1845, to enquire into the Losses suffered by the Inhabitants of Lower Canada during and in consequence of the Rebellion of 1837 and 1838, and also the originals of the several Journals of the Commission appointed under the Act 12 Vic. cap. 58; this House respectfully assuring His Excellency that the said books shall be returned so soon as they shall have taken the necessary communication of them; the House divided: and the names being called for, they were taken down,

as follow:--

YEAS.

Messieurs Fergusson, Fortier, Lacoste, LeBlanc, and Valois.--(5.)

NAYS.

Messieurs Brown, Burnham, Cartier, Chabot, Solicitor General Chauveau, Christie of GASPE, Clapham, Crawford, Dixon, Attorney General Drummond, Dumoulin, Egan, Fournier, Gamble, Hartman, Hincks, Johnson, LaTerrière, Lemieux, McDonald of CORNWALL, Malloch, Mattice, McDougall, McLachlin, Merritt, Mongenais, Morin, Morrison, Paige, Patrick, Polette, Poulin, Attorney General Richards, Ridout, Robinson, Rose, Seymour, Shaw, Smith of FRONTENAC, Street, Taché, Turcotte, Varin, Viger, White, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(48.)

So it passed in the Negative.

Ordered, That Mr. Johnson have leave to bring in a Bill to extend the provisions of the Act for information of Joint Stock Companies in Lower Canada.

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He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Langton have leave to bring in a Bill for the protection of Mill-Owners from vexatious Actions.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. G. WRIGHT⁵ (West York) moved the first reading of a bill to extend to all inhabitants of this province the privilege of loaning money on the same terms as are now allowed to the Upper Canada Trust and Loan Company.⁶

Carried.⁷

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Ordered, That Mr. Wright of the West Riding of York have leave to bring in a Bill to allow the borrowing of Money at eight per cent, in certain cases.⁸

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Cartier have leave to bring in a Bill to extend the time for the completion of the works for the improvement of the River du Chêne.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to vest in the Little Lake Cemetery Company certain allowances for Road in the Park Lots of the Town of Peterborough," without any Amendment.

And then he withdrew.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring in a Bill to separate the County of Halton from the County of Wentworth.⁹

He accordingly presented the said Bill to the House, and the same was

received and read for the first time; and ordered to be read a second time To-morrow.

Resolved, That a Select Committee, composed of Mr. Polette, the Honorable Mr. Chabot, Mr. Turcotte, Mr. Dumoulin, Mr. McDougall, Mr. Fortier, and Mr. Jobin, be appointed to take into consideration the advantages which would result to navigation, trade, and the cultivation of a great extent of land on the shores of the River St. Lawrence, from the formation of an Ice Bridge every winter, on the said River above the Richelieu Rapids, and the means by which such a Bridge might be secured, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The House, according to Order, again resolved itself into a Committee on the Bill to enlarge the Representation of the People of this Province in Parliament;¹⁰

A remark ... [was made by] MR. SMITH¹¹.

In answer ... MR. INSP. GEN. HINCKS stated with reference to the dissolution of Parliament, that the government had never entertained the idea of a speedy dissolution being the necessary result of passing the bill. Dissolution of parliament was a prerogative of the crown. The ministry it was true, might advise it if they thought best; but nobody could tell if the present ministry would be in a position to advise it in six months hence or ten days hence. But if hon. gentlemen wanted to know his (Mr. H.'s) opinion if there were anything in the present bill to render a dissolution necessary, he answered, no.¹²

After some further conversation on the details of the bill the preamble was adopted and¹³ the committee then rose and reported the bill as amended.¹⁴

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had gone through the Bill, and made amendments thereunto.

And the Question being proposed, That the Report be now received;

SIR A. MACNAB stated that it was his opinion, that if a majority of the House should declare to Her Majesty's Government, that this Province was not properly represented, and this bill passes, the House must be dissolved.¹⁵

MR. INSP. GEN. HINCKS.--The meaning of the bill was, that it should take effect at the close of the present Parliament. He could not at present express any decided opinion upon the matter, but he had said before, and would again say it, that it is the prerogative of the Crown to dissolve Parliament. It would be impossible for anybody to say what the Crown might be advised to do. If the hon. and gallant Knight wished to put the question in this way "whether there was anything in this bill which would render it necessary for Parliament to dissolve," then he (the Inspector General) would say, that it was not the opinion of the present Ministry that it would be necessary to dissolve. (Hear, hear, hear!) If the object of the hon. and gallant Knight were to put the question in that way, whether it is the opinion of the present Government, that Parliament should be dissolved in consequence of the passing of the present Bill, it was not. As to the Government dissolving the House, he would give no opinion, because no one could tell who would be the persons to advise the Crown; but however that might be, it did not follow as a matter of course that Parliament should be dissolved.¹⁶

SIR A. MACNAB was much astonished at the course of the hon. gentleman.

He could not understand that if three-fourths of the Provincial Assembly should declare to Her Majesty's Government, that this Province was not properly represented, and the bill passes through both Houses of Parliament, that they were to remain in the same situation. It would (he thought) be desirable immediately that the bill passed, to dissolve Parliament.¹⁷

MR. INSP. GEN. HINCKS.--In England very great changes had been made in the Borough representation, and the consequence was that a great many places were entirely disfranchised. The representation should be based upon the feeling of the country. It could only be increased by there being a majority of the House in favor of it, but it was the object of the Government to increase the representation in Upper and Lower Canada. (Hear, hear.)¹⁸

SIR A. MACNAB was surprised at the remarks of the Inspector General.¹⁹ [He] wished to know why,²⁰ if the representation were increased,²¹ [and] if it was intended to confer the franchise upon the people, should²² the power conferred upon them²³ be withheld for three years? Was it because the House was organized in the way most suitable to the hon. Inspector General's purposes that he thus acted? Why did he not dissolve the House at once, if he thought that the country was not sufficiently represented?²⁴

MR. ROSE (Dundas) said he did not understand the argument of the hon. and gallant Knight--what means had the members of that House of knowing whether the House might not be dissolved the following day?²⁵

COL. PRINCE remarking on public opinion said he respected the press of England but not that of Canada.²⁶ [He] stated he had discovered in the Morning Chronicle of that²⁷ morning²⁸ that a new Ministry was to be formed.²⁹ If that were true, the hon. and gallant knight from Dundurn [sic] would be in a position to give advice himself on the subject of dissolution of parliament.³⁰ The hon. Inspector General had stated that it was not the intention of the Ministry to dissolve Parliament, until the Representation Bill had been considered. He (Mr. P.) did not think there was any sense in that delay.³¹

MR. GAMBLE understood the hon. and gallant Knight to mean, that after they had declared that the country was not properly represented and the bill should pass, it would be better to dissolve the House; and he quite concurred in that. After having declared that the representation was not complete, nothing would make him think but that³² the ministry could ... advise³³ the dissolution of Parliament ... and he thought that if hon. members took that view which they ought to take, (supposing this bill and the franchise bill passed) they should all look for the fact of the dissolution of Parliament taking place, and he was surprised they did not all think so.³⁴

MR. MALLOCH then moved in amendment to the reception of the report that the bill be recommitted to a Committee of the whole House³⁵.

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Mr. Malloch moved in amendment to the Question, seconded by the Honorable Mr. Robinson, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, with an Instruction to amend the same, by attaching the Townships of Gloucester and Osgoode as formerly, to the County of Carleton, for the purpose of Representation in the Legislative Assembly" instead thereof;

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Gamble, Langton, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Murney, Ridout, Robinson, Seymour, Shaw, Smith of FRONTENAC, Stevenson, Street, White, Willson, and Wright of West Riding of YORK.--(18.)

NAYS.

Messieurs Brown, Cameron, Cartier, Chabot, Solicitor General Chauveau, Clapham, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, LaTerrière, Laurin, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, McDougall, McLachlin, Mongenais, Morin, Paige, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sicotte, Taché, Turcotte, Varin, Wright of East Riding of YORK, and Young.--(38.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Seymour moved in amendment to the Question, seconded by Mr. Ridout, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of amending the same, by dividing the incorporated Counties of Lennox and Addington into two Electoral divisions, each of which shall be represented in the Legislative Assembly by one Member" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Christie of GASPE, Crawford, Gamble, Langton, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Murney, Ridout, Robinson, Seymour, Shaw, Smith of FRONTENAC, Stevenson, Street, Viger, White, Willson, and Wright of West Riding of YORK.--(21.)

NAYS.

Messieurs Brown, Cameron, Cartier, Chabot, Solicitor General Chauveau, Clapham, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Lacoste, LaTerrière, Laurin, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, McDougall, McLachlin, Mongenais, Morin, Paige, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sicotte, Taché, Turcotte, Varin, Wright of East Riding of YORK, and Young.--(38.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Wright of the West Riding of York moved in amendment to the Question, seconded by the Honorable Mr. Robinson, That all the words after "That" to the

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end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of amending the same, by dividing the County of Peel into two Ridings to be called the North Riding and South Riding, each of which shall be represented in the Legislative Assembly by one Member; the North Riding to consist of the Townships of Caledon and Albion, and so much of the Township of Chinguacoucy as is situated north of the side line between Lots Nos. 10 and 11; and the South Riding to consist of the Townships of Toronto and Toronto Gore, and so much of the Township of Chinguacoucy as is situated south of the side line between Lots Nos. 10 and 11" instead thereof;

MR. INSP. GEN. HINCKS said, that to carry this amendment would be equivalent to rejecting the bill altogether, by giving an additional member to Upper Canada.³⁶

MR. G. WRIGHT of West York, hoped that justice would be done to his county. Hon. members were sent here to do justice to the whole country and not merely to look after the interests of their own constituencies. He could not see why the Counties of Russell and Prescott with only 13,000 inhabitants should have two members, while his county with 25,000 was allowed only one.³⁷

MR. ROBINSON said, that when the Government pretended to equalise the representation, they should do so in reality.³⁸

MR. MACKENZIE said that there was no wish to take away a member from Lower Canada, but his idea was to take the member from one of the small constituencies and give an additional one to the County of Peel. The hon. gentleman who represented Niagara had told him (Mr. McK.) that he was willing to give up his constituency, and as he was going to vote for the bill, what objection could there be in keeping up that constituency in preference to the County of Peel. Because there is a Conservative constituency is another reason why this should be granted, as it would clear the Government from any charge of partiality.³⁹

MR. INSP. GEN. HINCKS had no intention of again and again going over the arguments. The Government had decided on the course they meant to adopt and intended to abide by it. The Government had not pretended that this bill would create an exact and unexceptionable representation, but there was no doubt whatever, that it was a bill which, if carried would be a great improvement, and he would ask the last hon. gentleman, as well as other hon. gentlemen why, if they did not concur in the manner in which he had brought forward the bill, they did not bring forward some measure of reform? They could not deny the fact of the present scheme prescribing a vaster system of representation than under the then state of things existing. He would say this without fear of contradiction, which he defied, as regarded the Counties of Huron and Bruce, in three or four years from that time, Huron would have four or five times the amount of population of the County of Peel, and he thought that the County of Huron was of far greater consideration than Peel.⁴⁰

MR. H. SMITH (Frontenac).--Whenever the hon. Inspector General had risen he had asked why certain hon. members did not propose some new reform, when they objected to that proposed but he would ask that hon. gentleman if he was going to remedy the matter? By passing a bill and declaring that it should not take effect until the expiration of the present House of Assembly, he would tell him that before the end of three years arrived, the hon. Inspector General would have the table covered with petitions against its operation. The Government had made it a matter of expediency. Now, if the hon. member for Peel had got up and said that which the Attorney General said the other night, viz. that he was not going to have his county deprived of a member, he had certainly quite as much right in the matter as the hon. Inspector General. It never had been deprived of a member, and had now got one member added to it. But the honorable Attorney General had really cut the bill out in such a shape as to suit his own purposes. There was, however, one consolation which he (Mr. Smith) had, and that was, that if the division took place in the counties proposed, he would say with a great deal of confidence, that never would they have the Attorney General coming back into the House again, should the bill pass. (Hear, hear.)⁴¹

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brown, Burnham, Christie of GASPE, Clapham, Dixon, Gamble, Hartman, Langton, Macdonald of KINGSTON, Mackenzie, Sir A.N. MacNab, Malloch, Murney, Ridout, Robinson, Seymour, Smith of FRONTENAC, Stevenson, Street, Viger, White, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(25.)

NAYS.

Messieurs Cameron, Cartier, Chabot, Solicitor General Chauveau, Christie, of WENTWORTH, Dumoulin, Fergusson, Fournier, Gouin, Hincks, Jobin, Johnson, Lacoste, Laurin, Lemieux, McDonald of CORNWALL, Mattice, McDougall, McLachlin, Mongenais, Morin, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sicotte, Turcotte, Valois, Varin, and Young.--(31.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received; Mr. Brown moved in amendment to the Question, seconded by Mr. Langton, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, with an Instruction so to amend the same, that instead of one Member for the Town and Township of Niagara with a population of 5,590, one for Lincoln with 18,278, and one for Welland with 20,141, these Constituencies shall be arranged in three Electoral Districts as nearly as equal as possible: That instead of Bytown, with a population of 7,760, having one Member, and Carleton with 23,637, having one Member, these Constituencies shall be divided into two Electoral Districts as nearly equal as possible: That instead of one Member for the Town and Township of Cornwall with a population of 6,353, and one Member for the remaining Townships of Stormont with a population of 8,290, these two Constituencies shall be united and have one Representative: That instead of the following Constituencies having eight Representatives, they shall have nine, distributed among Electoral Districts as nearly equal as possible in numerical strength, viz: London, 7,035, Elgin West, 8,237, Middlesex East, 16,207, Middlesex West, 16,657, Elgin East, 17,181, Haldimand, 18,788, Norfolk, 21,281, and Huron and Bruce, 22,035: That instead of Russell with two Townships from Carleton, having one Member for a population of 8,925, and Prescott one Member for 10,487, these Counties (as they now stand) shall be united, and have one Member for a population of 13,357: That instead of the County of Peel, with a population of 24,816, having one Member, it shall have two: That instead of Leeds and Grenville, with a population of

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50,721, having four Representatives, they shall have three, distributed in Electoral Districts as equally as possible, according to population: And that instead of Len[n]ox, Addington and Hastings South, with a population of 42,932 having two Members, they shall have three, severally representing Electoral Districts as equal as possible" instead thereof;

MR. BROWN, in submitting the Resolution said, that it was only necessary for him to mention, that the effect of the resolution would be simply to adjust the constituencies more equally.⁴²

MR. J.S. MACDONALD the SPEAKER ruled that the 6th resolution of Mr. Brown's series, was not in order,--but after some discussion, its regularity was admitted, and the amendment was put as above.⁴³

MR. STREET objected to this resolution. He thought that the principles involved in certain portions of the bill itself, were destructive to certain

interests, (hear, hear,) and which he believed it had been the object of the House throughout the whole discussion, to preserve, as well as those interests relating to the maintaining of the different towns and sections. It had throughout the discussion been agreed to on all sides of the House, that the towns should be preserved. It was not possible under the "Union Act" to destroy these towns. But such was the object of the proposed plan, which did not provide for the representation of these particular towns. Such a proposition had a material bearing upon the constituency which he had the honour to represent. (Hear, hear.) He would not for one moment think of consenting to a portion of his county being detached, and so altered in its divisions, that although for municipal purposes it would be in the same position, yet in a representative point of view it would be entirely altered. He did not think therefore, that in the existing state of the counties, it would be at all desirable or wise to adopt these amendments, to which he was opposed. In some respect he might be in favour of them, but considering their general tendency, he would vote against the whole.⁴⁴

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Gamble, Langton, Mackenzie, Seymour, Smith of FRONTENAC, Stevenson, White, and Wright of West Riding of YORK.--(9.)

NAYS.

Messieurs Badgley, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Crawford, Dixon, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. MacNab, Mattice, McDougall, McLachlin, Merritt, Mongenais, Morin, Murney, Polette, Poulin, Prince, Attorney General Richards, Ridout, Rolph, Rose, Shaw, Sicotte, Street, Taché, Tessier, Turcotte, Valois, Varin, Viger, Wright of East Riding of YORK, and Young.--(54.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. GAMBLE put in an amendment and stated that in doing so, he wished the representation to be based upon a proper and sound footing.⁴⁵

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Mr. Gamble moved in amendment to the Question, seconded by Mr. Langton, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, with an Instruction to insert the following Clause: 'And be it enacted, that whenever the population of either Section of the Province shall exceed that of the other by one third, every County or Riding, then containing within its limits a population of thirty thousand, shall be entitled to send a second Member to represent such County or Riding in the Legislative Assembly, and it shall be the duty of the Governor in Council to divide such County or Riding into two Ridings of compact and contiguous territory, and as nearly as may be, of equal numbers in relation to the population therein, for the purpose of such representation, and to designate the boundaries of such new Ridings, which shall thenceforward be entitled to be represented in the Legislative Assembly by one Member each'" instead thereof;

And the Question being put on the Amendment; the House divided: and the

names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Burnham, Christie of GASPE, Crawford, Dixon, Gamble, Langton, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Murney, Ridout, Robinson, Seymour, Shaw, Smith of FRONTENAC, Stevenson, Street, White, and Wright of West Riding of YORK.--(20.)

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NAYS.

Messieurs Badgley, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Clapham, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Johnson, Lacoste, LaTerrière, Laurin, Lemieux, McDonald of CORNWALL, Mattice, McDougall, McLachlin, Merritt, Morin, Morrison, Polette, Attorney General Richards, Rolph, Rose, Sicotte, Stuart, Taché, Tessier, Turcotte, Valois, Varin, Viger, Wright of East Riding of YORK, and Young.--(43.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received; The Honorable Mr. Merritt⁴⁶ moved in amendment to the Question, seconded by Mr. White, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of amending the same, by detaching the Townships of Grantham and Louth from the Township of Lincoln, and annexing them to the Town and Township of Niagara, which will give, for the purpose of representation, a population of 15,000, instead of 5,590, as proposed by the present division; and dividing the remainder of the County of Lincoln, and the County of Welland, consisting of nearly 30,000, as nearly as may be, in two other Electoral divisions" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Christie of WENTWORTH, Gamble, Hartman, Merritt, Seymour, White, and Wright of East Riding of YORK.--(7.)

NAYS.

Messieurs Brown, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Christie of GASPE, Clapham, Crawford, Dixon, Dubord, Dumoulin, Egan, Fergusson, Fournier, Gouin, Hincks, Johnson, Lacoste, Laurin, Lemieux, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, McDougall, McLachlin, Mongenais, Morin, Morrison, Murney, Patrick, Polette, Prince, Attorney General Richards, Ridout, Rolph, Shaw, Sicotte, Smith of FRONTENAC, Stevenson, Street, Stuart, Taché, Tessier, Turcotte, Valois, Varin, Viger, Wright of West Riding of YORK, and Young.--(51.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Report be now received.

Mr. Malloch reported the Bill accordingly; and the amendments were read, and agreed to.

On motion of Mr. Laurin, seconded by Mr. Fournier,

Ordered, That the Bill be recommitted to a Committee of the whole House, for the purpose of further amending the same, by annexing the Parish of St. Nicolas to the County of Levis, and the Parishes of St. Sylvestre and Ste. Agathe to the County of Lotbinière.

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Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had gone through the Bill, and made further amendments thereunto.

Ordered, That the Report be now received.

Mr. Malloch reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Wednesday next; and be then the first Order of the day after the Call of the House, and take precedence of Notices of Motions.

The Order of the day for the House again in Committee to take into consideration certain Resolutions on the Commercial Policy of this Country, being read;

Ordered, That the said Order of the day be postponed until Wednesday the thirtieth day of March instant.

The Order of the day for the second reading of the Bill to restrain the manufacture, sale, and importation of intoxicating Liquors in certain cases, being read;

The Honorable Mr. Cameron moved, seconded by Mr. Prince, and the Question being proposed, That the Bill be now read a second time;

And a Debate arising thereupon;⁴⁷

MR. ROBINSON asked if Government had given its assent to this measure? The effect of it would be to reduce the taxes, and thus the revenue. The bill ought to be introduced in committee.⁴⁸

MR. PRES. EX. COUN. CAMERON was astonished that the hon. member, who had been a finance minister, should think that intemperance increased the revenue.⁴⁹ This bill does not interfere with the mode of taxation in regard to intoxicating liquors. If the hon. gentleman had looked to the title of the bill, he would not have made the statement which he has. We desire, it is true, to prevent their consumption. I am astonished that the hon. member, who ... has had great experience with matters connected with the Crown, should make so great a mistake. The revenue is not increased by the consumption of intoxicating drinks, for look at the pernicious consequences which arise from the use of them. The family of the drunkard is left at home starving, whilst he is going about drinking--which family would otherwise be clothed and fed, and be enabled to contribute hundreds, aye, thousands of pounds towards that which, under the existence of such a fearful state of things, they cannot. You must, however, consider the carrying of this measure as being likely to increase commerce in this country, and with it the revenue. This question was recently tested by the Temperance movement in Ireland, where more than one-third of the people abandoned intoxicating liquor⁵⁰ [and] had become members of the Temperance Society....The experiment ... afforded a proof that the trade in tea, coffee, &c., had increased to a greater extent than the trade in liquors had fallen off.⁵¹ I was prepared to hear the subject treated as one of very small moment, and meet the laughter of some honorable gentlemen; but it is well understood that the feelings of the people of this country are more keenly aroused upon this subject than any other that has been before them. This is no new idea; not one that originated in the State of Maine; for I shall show before I close that all these principles and considerations of the Legislature on the subject of the License Law, were discussed in England about 110 years

ago, and indeed at an earlier period,⁵² some eleven years ... before,⁵³ and they were met by the same reasoning, while the mischief was still in its infancy. The immorality and impropriety of legislating, or by law interfering was great, but the matter unquestionably was well understood then by right minded men and has been since⁵⁴ that the legislating in and for this trade was but giving a sanction to iniquity⁵⁵ and the fearful consequence apparent to the moral mind in England was well pointed out, as it has been since by those who have written and lectured on the subject. The bill which I have the honor to introduce contains principles somewhat similar to those of the Maine liquor law, but⁵⁶ altered to meet the circumstances of the country⁵⁷ [and] adapted to the machinery which we have for carrying it out in this country. The first law embraces the principle, "that it shall not be lawful to manufacture, sell, or barter, directly or indirectly, any intoxicating liquors, except for purposes either medicinal, mechanical, or chemical, as it may be applicable." It imposes a penalty for the commission of the offence, and imprisonment is to take place if the fine be not paid. In the next clause it endeavours to carry out the intention of the law by making persons liable for a contravention of the Act. (Read from book.) There is an appeal provided in cases where parties are dissatisfied--they may appeal within forty-eight hours and give a bond, and they then have the opportunity of having it tried before another jury. There is a power which is correctly guarded, to which anybody can object, that if any three persons entitled to vote shall make oath or affirmation that they believe that intoxicating liquors [sic] is kept for sale⁵⁸ [by] any one⁵⁹, or deposited in any place for that purpose, such persons shall issue a warrant of search, and the officers entrusted with such warrant, shall proceed to search the place specified therein, and if liquor be found, it shall be condemned and destroyed, and the owner thereof fined or imprisoned. Upon this point, the process of the law in the United States gives rise (as no doubt it will in this country) to gross misrepresentation of the law. We have been told that this was a bill authorizing the searching of every man's private house at pleasure, to see whether he is in possession of a bottle of wine or spirits, and that you can go over his premises at all hours of the night and day for that purpose. There is nothing of that kind in any law passed in the United States. But if three persons were to make oath, that the liquor is there for the purpose of sale, then you have got the right to get the proper officer, obtain the warrant, enter the premises, and if liquor is found there, it shall be taken and destroyed, or if the owner is not there, it shall be for a certain time advertised, and if not owned within a certain time, it shall be destroyed; and if it appear[ed] to have belonged to any one authorized to sell the same, it shall be returned, and a receipt taken for it.⁶⁰ This he considered no improper interference⁶¹. There was another clause, which I am sure that every body in this House would vote for cheerfully--that is, to banish the use of liquor from those booths, and tents, and houses, and from the grounds wherever are held public fairs. I am sure that no person would object at any rate, to the 8th clause of this bill. We all know that the sale of intoxicating liquors, through persons who make their living by it, who have no principle, and fear not God or regard man, leads to all sorts of impropriety, disturbs the public peace, and produces other evil results. The 9th clause provides, that no payment or compensation for any article bought, in the nature of intoxicating liquor, shall be held good. The next clause authorizes allowing a person within each municipality to manufacture and sell intoxicating liquor which may be necessary for mechanical, chemical or medicinal purposes, and the bill then provides for the punishment of those who may have failed to comply with the Act. The persons having the license for the manufacture of liquor shall sell only to agents of

municipalities, and such agents are to give security for their conduct in the matter, and are required to enter into bonds. The 16th clause⁶² provides that actions may be maintained by members of a family against any person who may sell intoxicating liquor to their wives, husbands, children, &c. The 19th clause provides, that persons may be summoned as witnesses, and if they refuse to attend, a warrant may be issued for their arrest, when, if they refuse to be sworn, they shall be imprisoned. Then there is a scale of fees to be allowed for service rendered under the provisions of the Act, which I have altered. I am happy to say, that all the Justices of the Peace in Lower Canada who have spoken to me on the subject, seem to think in assenting to this measure, that they do their duty to the country, and I think no honest gentleman can deny, that those who sanction its provisions show a disposition of benefitting their fellow-man and the country at large. Mr. Speaker, these, therefore, are the provisions of the bill; short and simple, for accomplishing that grand object, to protect the people of this country against the evils arising from the sale of intoxicating drinks. It is singular that we should be met with a denial of our right to legislate upon this subject, and I shall now speak in reference to those persons who say that we are interfering with their liberty. Certainly society has a right to protect itself, and man an equal right to protect himself against an evil of this kind, and a danger of so alarming a nature, and further he has a right by all that strength the law has given to him;⁶³ from a fine of half a dollar to the penalty of death⁶⁴; by the wisdom he possesses, and everything within his reach in society, man can always use these, and we have a right to protect our property; much more our lives. Has a man not the right to prevent the existence of that, which destroys the health of his family, and causes nearly all the crime, pauperism, and misery of his country?⁶⁵ Had not society the right to do the same? Society had a right to protect itself⁶⁶, the right cannot be denied, but it has been denied by the best and wisest, that the Government had a right to legislate, for the management and protection of that abuse which in its nature, is unlimited. One of the most eminent preachers in the United States, Alfred Barnes, of Philadelphia, was about to preach a sermon upon the Maine Liquor law, and he chose as his text one which I think fully sustains all that has been said in favour of legislation upon the subject--it was that "God can have no fellowship with a Government which sustains immorality by its laws."--Immorality is at the present moment sustained by the law, and if we look back a little, we find, that theft and other crimes have received protection, and revenues derived by it. Gaming was protected and indeed regulated by law; gambling of every kind tolerated, lotteries, bull-battling, combats between man and man, and other not less vicious practices, allowed to exist with impunity.⁶⁷ The pure light of christianity had, however, destroyed these other offences, at least had removed the protection of the law,⁶⁸ as public opinion became consulted, and one by one they were banished⁶⁹, and would in time destroy the vice of drunkenness.⁷⁰ There had unfortunately, however, been a delusion and a blindness creeping over the whole Christian world on the subject of the use of intoxicating drinks. (Hear, hear.) Whilst we have viewed the evils in our own country, could we have overlooked the immorality of the Chinese, who have resorted to opium for the purpose of intoxication? But are we so blind to our own vices and follies? Is it not a fact that the annual expenditure in Great Britain for intoxicating drinks exceeds the amount of the whole revenue for that empire, and that in the United States upwards of 150 millions of dollars a-year is consumed. I have stated my opinion several times upon this subject, and although it is very unpleasant to me to occupy the House at any length, still I must enter into some detail in order to lay open facts which are necessary for the consideration of so important a question, for I do feel that this is the most important

which has ever been submitted to the House. However important our Representation measure may be, it is only because that representation is calculated to be made sounder and better in every feature in future, and to improve the moral state of the country, that its importance is of consideration; but this bill to repress the sale of intoxicating liquors at once affects the morals of the people, and brings home to those now enduring suffering and want from its baneful effects, the comforts of happiness and peace. If some consider it to be an old hobby of mine, I say I glory in it, and while I have breath and judgment I never will give it up.⁷¹ He had come into the house as a teetotaler twenty years before, and ... for his own part he had himself suffered before he adopted the expedient of total abstinence⁷². What have I seen to induce me to change my mind upon the subject? I think every member of society must have a deep conviction of this evil, and I am sorry to say that I have suffered from its effects previous to that time when I relinquished it forever, and I might say that the county which I here represent has materially suffered by the loss of some of its most promising young men through indulging in this vice. I would appeal⁷³ to the Attorney General whether this was not the case, and⁷⁴ to Hon. members whether their counties had not also met such calamity, and how many going the unhappy road, had met untimely graves. One of the greatest blessings which Providence has conferred upon us, is to forget our misfortunes, but if men were to record all that comes within our knowledge; write down all those cases they have seen, of parents' hearts broken, families severed, and rendered miserable, it is impossible that they would feel otherwise than I do, upon this subject. And if one of the hon. gentlemen opposite, will only look back to his county which I have no doubt he has, he cannot fail to recall a melancholy case that occurred of a father imbruing his hands in the blood of his wife and six children, led on to the committal of the fatal tragedy by the murderous excitement of liquor. If the hon. member for Middlesex (I do not see the hon. member for London here) will look back, he will recollect the case of a man, from one of the best families in England, who married a most beautiful and fascinating lady, came to this country. Drink cursed the once happy pair, and in the midst of one of its revelries whilst the servant had gone out on an errand, the wife set fire to the house and four were buried in the ruins. Such was the drunkard's grave. I could take⁷⁵ the first man in Brockville, whose death he said was said to have resulted from religious and national hate, had really been caused by the crime of drunkenness⁷⁶, Toronto ... and other places; aye, and the pulpit of Canada and give fifteen to twenty cases of the fearful results which have followed drink. I could take the bar, and recount scenes in this city⁷⁷ [of] Quebec⁷⁸ that could make a man's hair stand on end, where men⁷⁹ of education--men⁸⁰ calling themselves gentlemen, have raised their hands to women,⁸¹ and those women⁸² their wives. Yes, such cases existed. But I would rather quit the painful theme. Those instances concerning men in a respectable sphere of life are, if anything, exceeded amongst the lower orders of society⁸³ [for] what was true of men of respectable life was still more true if possible in the lower orders⁸⁴. Men having wives and children, under the effects of delerium tremens, are constantly brought before the Police Courts, fined, and then sent home to their families. Well, we know the results--murders in Quebec frequently occur⁸⁵ and there were murder[s] recently committed in the Lower Town which⁸⁶ are not brought before the Courts, because the evil deed had not been consummated⁸⁷ [and] had not caused the extreme calamity of death.⁸⁸ But these cases although not generally unknown, are best known to these benevolent persons who, from time to time, in this city, visit the haunts of vice, and those in poverty and distress--and those thousands of mothers and children, who are suffering everything but death, through the dissipation of the father. But I have di-

gressed. When I was speaking of the amount of criminal cases, which would afford the most convincing proof, of the necessity of the sale of intoxicating drinks being restrained, I was going to refer the House to some statistics.⁸⁹ A Report of the New York Legislative Committee, on the Excise question, in March, 1850, made to the Secretary of State, says, that from returns, the cost of pauperism in 1849, in that State, was \$817,441. Of this, the report estimates \$605,393 for intemperance. Were there no dram-shops, and no intemperance, the whole cost of supporting the poor, would be but \$212,048. Taxation for crime, says the report, it is difficult to estimate--nearly all the business of Grand Juries, Sheriffs, Constables, and almost the entire Police system in all the cities, is chargeable to intemperance. In the City of New York, there have been 180,646 persons arrested in a period of six and a half-years, of whom 18,793 were for assault and battery; 25,464 for disorderly conduct; 2,645 for fighting in the street; 44,383 for intoxication; 36,648 for intoxication and disorderly conduct; and 14,800 for vagrancy, making 140,783 for offences resulting almost entirely from the free use of intoxicating drinks. There were 18,458 arrests made during the six months ending with December 31, 1851, being an increase over the previous six months of 680, consisting mostly of persons arrested for intoxication, or offences resulting therefrom. There was [sic] sixteen persons arrested for murder, making 36 arrested for that offence during the year 1851. The total number of licensed and unlicensed drinking houses is 5,910. In the 1,500 grog-shops in Boston, were expended for liquor annually \$1,401,600, and in the whole State, \$8,400,600. In the year 1851, 2,261 intemperate persons were committed to the jail; 1,589 to the House of Correction; 14,674 drunken paupers were supported by the State at an expense of \$262,057,--27 a-year. The number of persons committed in 1851 to the Philadelphia County Prison was 11,004, of which 10,110 were discharged without trial, leaving only 894 charged with serious offences and misdemeanors. The 10,110 were cases of intemperance, so, that out of every twelve that were committed, eleven were from causes arising from indulgence in alcoholic drinks. The number of paupers admitted into the Blockley Alms House, during the same year, who were addicted to the use of intoxicating drinks, was 3,606, while there were 1,114 adults of all other classes, and 280 children. If the proportion of children is taken at the same ratio as the adults, nearly three-fourths were children of drunken parents. The Maine Anti-Liquor Law was enacted June 2nd, 1851. In the year during which this Law has been in existence, its effects⁹⁰, in the State⁹¹, have been more decisive and salutary, than its warmest friends had anticipated. The wholesale traffic in strong drinks has been entirely annihilated throughout the State; the grog-shops are very few, so that temptation is removed from the young and inexperienced. The quantity of spirits now sold in the State cannot be more than one-tenth part so great as it was before the enactment of the Law, so that the saving to the people is already at least \$1,800,000 per year. The result of this can be seen in the improved habits and circumstances of our people. Many men, formerly miserable drunkards, are now perfectly sober, because temptations are removed out of their way; many families, before miserable, or dependent upon the public, or upon charity, for support, are now comfortably fed, clothed and lodged. The inmates of our alms-houses are greatly diminished--our jails are almost tenantless--our houses of correction almost without an occupant, and all this because few men become paupers or commit crimes, but under the influence of strong drink. Before the enactment of the Law, there were in the city of Portland from 300 to 400 rum-shops in full operation; there were then in nine months, from June 1st, 1850, to March 20th, 1851, committed to the alms-house 252; to the house of correction for intemperance, 46; to the jail for drunkenness,

larceny, &c., 279, and to the watch-house 431 persons. In nine months subsequent to the law, no such shops were open, and the number of commitments corresponding to the above, were, to the alms-house, 146; to the house of correction, 13; to the jail, 135, and the watch-house, 180. Such were the effects of the Maine Law in Portland, in the short period of nine months, while no evil has resulted to any from the execution of the law. In Massachusetts, the law has been in operation only since the 22nd of July, 1852; and yet, says Dr. Charles Jewett, a competent witness, "Over nine-tenths of the territory of Massachusetts, embracing at least four-fifths of its inhabitants, our new law for the suppression of the liquor traffic is exerting a most happy influence. It has not, even where it has been most vigorously enforced, entirely annihilated the evil it was intended to crush, and all its attendant mischiefs, nor has it introduced the millenium, as some seem to suppose it must, to authorize its continuance on the Statute book. It has, however, if we are to credit the testimony which daily reaches us from different parts of the State, accomplished enough already to call forth the plaudits of thousands, who before its passage and enforcement doubted the expediency of the measure, while it has stopped the traffic in more than four-fifths of the bar-rooms, shops, stores, and cellars of the State (not including Boston, and its immediate vicinity) in the short space of about one month." The Essex County Freeman says: "Before the 23rd of July, the day the law went into operation, the arrests for drunkenness, and petty crimes, of which drunkenness was the cause, averaged one a day in Salem, and three or four committals to the poor-house, or county-house per week. Thus far (August 4th) there has been not one arrest. The police themselves are surprised at this sudden and beneficial change. With the diminution of drunkenness, our criminal bar diminishes; our property is more secure, because evil passions are restrained, instead of being stimulated by strong drink; our streets are more quiet--our population is more sober--our houses, and the houses of hundreds, are the freer, the happier." The Hon. Neil Dowe, late Mayor of Portland, and the immortal author of this law says "in one street in Portland, there were four saloons nearly side by side; two of them are now clothing stores; one is a temperance grocery store, and one is a store for the sale of clocks in all their variety; thus illustrating the truth, that as men cease to spend their money for rum, they will buy more and better clothes and food, and will have the means to make all purchases necessary to the comfort of themselves and families. The operation of the Maine Law in Maine demonstrates the truth of the declarations of temperance men: that poverty, pauperism, and crime, result almost exclusively from the traffic in strong drinks; and at the end of five years, under the steady enforcement of this law, extreme poverty will be wholly unknown in the State, and pauperism and crime will almost entirely disappear." But hon. gentlemen of this House will bear in mind, that it was known⁹² [that] these same results followed the movements of Father Matthew in⁹³ Kilkenney, Ireland, that whereas the drunkards in one year were 60 or 70, in the next there was not one prisoner to be assigned to the gaol. If what I have stated in regard to Portland and Maine, and to Ireland be true, then, I would ask, who bears the responsibility? If we can empty these gaols, cleanse the poor houses, suppress crime, and reclaim those who are doing nothing but promoting evil, and inflicting degradation, punishment, and unhappiness upon their families and the community, is not the responsibility upon our shoulders if we neglect to do so? And can we not do it? If we do not, at all events, assist to repress it, by legislative restriction. Are we not liable for⁹⁴ the murders and⁹⁵ these countless scenes of misery, daily occurring? Can we spend a single day without thinking on this? I have this very day, from the papers which have

arrived, cut out accounts of murders by husbands, fathers, mothers, and wives--of murders amongst friends who went together to drink, and stimulated by the alcoholic spirit, frenzy, had led them to the commission of the dire act. You cannot take up a paper without finding such cases; murders, and Coroner's Inquests, and what were they caused by? By keepers of low groggeries in our land. And we laugh at the Maine Liquor Law as a matter of joke. I never felt as serious upon any subject of the sort, and never have I felt, since 1833, when I took the matter up, that any man is free from blame and responsibility who does not take the matter up! (Hear, hear.) If the hon. member for Montreal knows there are murders taking place every year, and that thousands die in his city, from the effects of intoxication, I say he is responsible for this, and accountable to God and his country, if he does not endeavour to arrest it, and he may shake it off as he will. (Laughter.)⁹⁶ Many ... great men had called the liquid which some hon. gentlemen had poured from their stills, liquid damnation; and so it was.⁹⁷ That was the title given to it by John Wesley, Lord Chesterfield, Lord Harvey and others. The language used by them was, that the act of circulating ardent spirits, was throwing out floods of liquid damnation to the whole world. Every day executions were taking place, and while they were actually going on, the law was encouraging the sale of those intoxicating drinks, and every man understands sufficient of the philosophy of human nature to know, that our neighbours cannot be away from our influence, and if, in the face of facts, seeing that⁹⁸ in a neighbouring state crime had been diminished seventy-five per cent⁹⁹ by the repression of the sale of liquor, and that instead of sixty cases being tried in one month, not one was tried, are we not responsible for it?¹⁰⁰ If that were not done, were not those who failed to remedy the evil when they could, responsible for the crime¹⁰¹? Mr. Cameron then read at great length¹⁰² from a speech of Lord Hardwicks¹⁰³ [and] extracts from a debate in the House of Commons of 15th and 22nd of February 1743, on the subject of granting licenses when it was clearly pointed out, that to license, was immoral, and dangerous. Whoever has taken the trouble to read the statistics of what has been presented to the House of Commons upon the subject, and has looked over the statements of those Colonels, Majors, and Adjutans [*sic*] of regiments, of them I would ask, what is the punishment in the army for drunkenness? It was there proved that instead of 9-18ths, that 99 cases out of 100 of the punishment inflicted in the army, nearly every one of them were for drunkenness. It is that which has already cost the lives of so many, and which will, if not repressed, destroy our soldiers and seamen, for drink renders men too feeble for labor, too stupid for ingenuity, and too daring for society. (The hon. gentleman then read the statements made in the House of Commons by the Bishop of Oxford, Lord Harvey, Lord Chesterfield, Lord Lonsdale and the Bishop of Salisbury, all of whom¹⁰⁴ [were] in favour of the abolition of spirit licenses, except to apothecaries' shops¹⁰⁵ and spoke upon the ruinous consequences of intoxicating drinks.) It was shown by these gentlemen, that the right which the Government assumed of granting licenses to sell intoxicating drinks, was one from which great evil would result, and so far from increasing the revenue of the country, it would decrease it indirectly by creating a large number of poor.¹⁰⁶ He might read more extracts, but they all went to the same point, the denial of the propriety of allowing liquor to be sold, and the tendency of spirituous liquors to produce crime. The statistics of this vice had been collected by the Parliamentary Committee in England¹⁰⁷ appointed at the request of Mr. Buckingham,¹⁰⁸ but he need not go over them.¹⁰⁹ Everybody knows that England is, at this present moment, overburdened with poor--and there is no doubt whatever, that a great majority of them were brought to their miserable dependance

from the use of intoxicating drinks.¹¹⁰ Canada was at present free from that curse¹¹¹. We, in Canada, are pretty well able to bear anything--we are rich, but, if we wish to follow the vicious example of sanctioning and entertaining this vice, we must expect to be surrounded with all the evils of pauperism, which England is, and has been, overwhelmed with. Let us determine not to admit of the sale, use, or manufacture of intoxicating drinks in any possible way in which the Government can properly interfere to restrain the sale thereof. (The hon. gentleman then read an extract from a protest against granting licenses for the sale of liquors¹¹² presented to the House of Commons, signed by¹¹³ a large number of members of the House of Lords¹¹⁴--Lords Chesterfield, Talbot, Havergham, Halifax, Bristol, Ailsbury, Hadford, Oxford, and Mortimer.) I have collected a number of facts as to the operation of the law in various parts of the United States, which I intended to have printed in my report, but I must now refer to the voice of the people of this country, on the subject of this bill. I find Mr. Speaker, that we have petitions from seven great religious associations--from municipalities seven--from families nine,--and from public meetings on behalf of inhabitants, one I mentioned when I presented this petition, that the first name, was that of an eminent Canadian: a clergyman of the Church of England. And when you find united Associations, coming forward, in addition to 80,000 poor people, I am satisfied that this bill will not be treated either lightly or with derision. The people of this country feel such a great interest in it, that it cannot fail to bear a character of the highest importance, in this House¹¹⁵--perhaps not that session; but certainly at some future time.¹¹⁶ Although I am not sure we shall carry a majority in this House, because many opponents might come forth, still, I believe that if carried, this bill would do immense good at the present moment, and work advantageously to the interests of the country, although I am prepared to admit, that there will be certain evils flowing from it. It is quite certain there will be evasions of this law, and it may lead to fraud and so on, but I am prepared for all these objections. And what are they? Nothing. Will not the passing of the bill tend to make man the better, and is there any reason against the adoption of, or enforcing its operation? No, Mr. Speaker, the question for the people is, "will it not decrease the amount of the evil at present existing and close many of those open doors of temptation and protect those who are now suffering from those doors being open for the sale of this liquid fire."¹¹⁷ They believed and he believed it would, and they therefore supported the law.¹¹⁸ Therefore, I will not trespass longer upon the time of the House, but I hope the bill will, at all events, be sustained by those whose constituents have expressed themselves as strongly as those I have the honour here to represent.¹¹⁹

DR. LATERRIERE said the preamble of the bill was very much in its favour; but how was the effect desired to be carried out? The hon. member then went over the bill and showed that it would lead to most vexatious processes by common informers, who would convert their infamous trade into a sort of holy business, and who would be sheltered from adequate punishment in case they failed to give their accusations. He desired to know whether this measure was a ministerial one, or whether it came from the Committee on Temperance? He considered the law the most extraordinary project that could have been invented in fertile imaginations which belonged to the State of Maine. No doubt God had taught men the use of wine, the Bible showed that he had considered it a blessing; and to repudiate its use at present was to revolt against the authority of St. Paul himself.¹²⁰ This law was intended to make men renounce their own liberty. Self preservation was the supreme law, and who sinned against it was punished in many ways and often even by the cholera. If other

diseases did not do the work early in life there was a corps de reserve consisting of gout, apoplexy and delirium tremens,--the sure precursors of death. These and not laws were the proper means of repressing follies. Love was alike the tyrant of old and young; but men did not repress the evil by legislation. Upon the whole, he should vote against the bill.¹²¹

MR. PRES. EX. COUN. CAMERON said that it was not [a Ministerial measure]¹²².

COL. PRINCE spoke of the ironical cheers with which his name had been received as the seconder of the motion, and desired that those hon. members who had indulged in them would speak first on this measure, that he might have an opportunity of replying to them.¹²³

MR. MURNEY hoped that in the first place the hon. member for Essex would give the House the benefit of his experience.¹²⁴

A general wish being expressed that the debate should be adjourned, from the lateness of the hour, it was then postponed till the next day¹²⁵.

(611)

*On motion of Mr. Hartman, seconded by Mr. Brown,
Ordered, That the Debate be adjourned until To-morrow.*

Ordered, That the remaining Orders of the day be postponed until To-morrow.

*Then, on motion of Mr. Clapham, seconded by Mr. Murney,
The House adjourned.*

[QUESTIONS AND ANSWER RE: REBELLION LOSSES ACT.]¹²⁶

MR. LEBLANC put the following questions to [the] ministers:--

Whether Government admits that the Act 12th Vic., cap. 58, intituled "An Act to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven, and one thousand eight hundred and thirty-eight," had in view the indemnification of every person who has suffered losses by the total or partial unjust, useless or malicious destruction of his house, buildings, property and effects, and by the seizure, pillage or carrying away of his property and effects in the suppression of the Rebellion, if such person had not been convicted or banished as specified in the proviso to the preamble of the Act aforesaid.

Whether, admitting such intention, the Government does not regard as absolutely illegal, null and a violation of vested rights the exclusions from the benefit of indemnity contrary to the aforesaid principle, inasmuch as they are made out, because the losses suffered by such persons having neither been convicted nor banished, were not unjust, useless or malicious, that is to say, not the necessary effect of the resistance made by them to the troops, or any other act of participation in the Rebellion which was a necessary cause thereof; but because such persons did some of them, take part in the Rebellion without establishing that such participation was an immediate cause of their losses as aforesaid, and others for such participation, or because they had been held to be disloyal by the Commissioners under the Ordinance 4 Vic., cap. 7, although the aforesaid Act 12, cap. 58 had established no incapacity to receive (fin de non recevoir) such indemnity for such causes?

Whether, regarding their exclusions as being illegal and null, and as being a violation of the rights accruing under the Act aforesaid to the claimants illegally excluded, the Government, with a view to fulfill towards them the promise or pledge therein mentioned intends to do one, and which of the following things?

1st. To pay the claimants illegally excluded together with those not excluded, out of the monies appropriated for the indemnification of unjust, useless or malicious losses, by paying the losses of the claimants excluded as stated by the Commissioners, according to the amount at which they are so stated, and those not so stated according to the amount proved in detail in the Journal of the Commissioners.

2nd. To delay the payment of the said losses, until the claimants illegally excluded can have caused the Acts of exclusion to be set aside by competent Tribunals.

3rd. To retain out of the monies payable to all the claimants who have suffered losses unjustly, uselessly or maliciously, that part of the said monies which belong to the said claimants illegally excluded, until they shall have caused the Acts excluding them to be set aside, as aforesaid, save and except, only the case of their failing to do so, and in that case to distribute amongst the claimants who are not excluded, the monies of such claimants so excluded, who have not caused the said Acts of exclusion to be set aside.

4th. To ask from Parliament at its meeting in February next, a new appropriation of monies for the indemnification of the losses of the said claimants illegally excluded.

And, whether, after having received the Report of the Commissioners in January, and after having seen, by the reasons assigned in the Acts of exclusion, and by the Acts of dissent from the said Acts of exclusion annexed

to the Report, the illegality and the absolute nullity of the exclusions, supposing that the Government admits the intention of the law to be as above stated, it (Government) has given notice of the exclusions to the parties interested in order to give them an opportunity of defending themselves, if Government do not think proper to set aside those exclusions on account of their illegality and ... absolute nullity as aforesaid, and if such notice has not been given, what justifiable reason it has had for not giving it, consistent with the duty of protection, which it owes to such claimants illegally excluded by reason of its knowledge of such exclusion, and the ignorance of the claimants thereof.--Also, whether there have not been claimants who had required copies of the proceedings on their claims, in order to ascertain whether they had been excluded, with a view to their defence; and whether Government has granted such copies; and in case it has not so granted them, what reason has influenced it to refuse them, if it was not proposed to acknowledge the complete illegality and nullity of the exclusion of these claimants, supposing it to have taken place, and to provide a remedy therefor.¹²⁷

MR. PROV. SEC. MORIN said it was not usual for the ministry to interpret acts of parliament.¹²⁸

[WITHDRAWN MOTION RE: ORGANIZATION AND ADMINISTRATION OF THE COURTS OF JUSTICE IN LOWER CANADA.]¹²⁹

MR. TESSIER moved for a special committee of seven members, with instructions to enquire concerning the judiciary organization of the Courts of Justice and the administration of justice in Lower Canada, with authority to send for witnesses, papers, &c.¹³⁰

MR. AT. GEN. DRUMMOND opposed the motion, saying that the government was occupied in considering the matter.¹³¹

MR. TESSIER did not think this was any reason why there should not be a committee. There were many details of locality, &c., which the government could not know, and which should be inquired into.¹³²

MR. AT. GEN. DRUMMOND said it was not according to the principles of responsible government to allow inquiries of the kind. The government had taken the affair in hand and if it did not give satisfaction that would be the time for the House to act.¹³³

MR. TESSIER thought that there was nevertheless good grounds for an inquiry before a committee, and mentioned several cases in his own county and in Saguenay and elsewhere, where the arrangements of the Circuit Court required some change, inasmuch as at present, the people of these localities were often deprived of the opportunity to have justice rendered them during many months at a time. In Gaspé also the same thing was true. There the Superior Court was only held once a year. He did not mean himself to suggest the remedy for this, but thought a special committee on the subject might very probably suggest something which would turn out a great improvement. It was said that this question belonged to the executive; but he did not see this. This question concerned not the expenditure of public money; but simply inquiry. He gave several examples of committees, which had been named to inquire into matters, the inquiry into which formed part of the duties of the hon. member.¹³⁴

MR. AT. GEN. DRUMMOND remarked that it appeared to him that the chief points referred to by the hon. member were comprised in the bill which he proposed to submit to the House. The House had certainly a right to inquire into the matter; but it never did so when the Government professed to be prepared to act, and when in fact it had a bill in print to provide a remedy for the evil.

With regard to some evils connected with the Circuit Courts, however, they were owing to accidental circumstances, and the government did not mean to interfere. When the hon. member brought this subject before the House formerly, the chief object was to get rid of an hon. judge. It would, perhaps, be satisfactory to know that nothing was required but a vote of the House to complete the removal of that honorable judge, which had been negotiated.¹³⁵

MR. STUART was glad to see the disposition of the government to take up this subject, and put it to the hon. member for Portneuf, if it would not be better to withdraw his motion. At the same time if he did not do so, he (Mr. Stuart) would vote for the motion.¹³⁶

Some further conversation [followed]¹³⁷.

MR. SICOTTE said the Attorney General had stated that he had intended to introduce a general bill to improve the judiciary system of the country. This showed that an enquiry was necessary; and he could not understand why the ministry should object to it. It seemed to him that they ought to be glad to obtain the assistance of other members of the House, in adopting a good system, and in thus relieving them from the responsibility of contriving a system themselves. The present system was in some respects an improvement on that which had preceded it; but it was desirable, in changing it, to change it in such a manner that hereafter no other change would be required.¹³⁸

MR. CAUCHON alluded to a petition which had been presented from the first municipality of the County of Saguenay, and said that the people there had not certainly had the advantage, which they ought to have received from the system of judicature. That might have been accidental, and of course he did not blame the government for it; but so it was. He thought the government ought not to oppose the present motion.¹³⁹

MR. SOL. GEN. CHAUVEAU¹⁴⁰ explained the circumstances under which some of the terms of the Circuit Court had failed to be held in Saguenay County, and endeavoured to show that these failures had not been the fault of the government.¹⁴¹

MR. BADGLEY contended that the administration of justice was a popular right, not for the advantage of the government, but for that of the people, and a popular system ought to be established. In Montreal there were four judges deciding mere points of practice. There was no occasion for four men to do that. The circuit judges in the meantime--one man only sitting separately--decided points of exactly the same importance. But that was not all. Men could not be brought up to Montreal to the term of the Superior Court without expense both to their pockets and morals. The fact was that the Courts ought to be taken to the people, which though more costly in the way of judges would be really cheaper on account of the saving to the people. The system of weekly sessions prevented judges or lawyers from proper study.¹⁴²

MR. AT. GEN. DRUMMOND denied that the government intended to bring in any measure of a general character during the present session. And he acknowledged that the government should not proceed without full inquiry. At the same time he thought the government should not shrink from the responsibility of proposing a Committee, and after the present bill was introduced he would have no objection to propose a government Committee. He was glad to see that the public opinion in favour of decentralization was abolishing the system of centralization.¹⁴³

MR. CARTIER believed the present system in Montreal much better than any other, and he did not want a change without full inquiry. He thought it

probable that public opinion would eventually come to that of Jeremy Bentham, that the administration of justice in courts of original jurisdiction ought to be by single Judges with a proper Court of Appeals composed of a competent number of judges. But until some such radical change were effected, it was of no use to alter the present law. With single judges justice might be administered in separate localities; but even then, before it was completely effected, the several localities ought to be ready to build Court Houses and Jails. Notwithstanding all that could be said against the present system, he believed that it was a great improvement on the last, and personally he had much more time than before to study his cases.¹⁴⁴

The motion was then withdrawn.¹⁴⁵

FOOTNOTES: 21 MARCH 1853.

1. The following papers reported the exchange on this matter in identical accounts: MORNING CHRONICLE, 23 March 1853, MONTREAL GAZETTE, 25 March 1853, and BRITISH COLONIST, 29 March 1853.
2. MORNING CHRONICLE, 23 March 1853.
3. IBID.
4. IBID.
5. The following papers reported this motion in identical accounts: GLOBE, 22 March 1853, HAMILTON SPECTATOR DAILY, 22 March 1853, PILOT, 22 March 1853, EXAMINER, 23 March 1853, MORNING CHRONICLE, 23 March 1853, MONTREAL GAZETTE, 25 March 1853, BRITISH COLONIST, 29 March 1853, NORTH AMERICAN SEMI-WEEKLY, 1 April 1853, NORTH AMERICAN WEEKLY, 7 April 1853, and JOURNAL DE QUEBEC, 24 March 1853.
6. MONTREAL GAZETTE, 25 March 1853.
7. IBID.
8. An extract of Mr. Wright's Usury Bill appeared in HAMILTON SPECTATOR SEMI-WEEKLY, 6 April 1853, and HAMILTON SPECTATOR WEEKLY, 7 April 1853. Both papers also reported in identical accounts the following commentary referring to Mr. Brown's Usury Bill and the possible reception of Mr. Wright's Bill, if passed:

"In preceding columns will be found a report of the first debate of the present session in the Legislative Council, on the Usury Bill introduced by Mr. Brown. The debate is interesting, and gives a concise view of the opinions entertained by the 'Lords' on the Usury Laws of this Province. It is stated that Messrs. Caron and Taché have entered a protest against this Bill, notwithstanding it has already received the Governor General's sanction. From this it would appear that a division exists in the Cabinet, which Messrs. Hincks and Rolph may find some difficulty in healing. The French members of the Executive Council are not to be trifled with; they have uttered threats more than once during the session, and came nigh carrying them into execution. We cannot help thinking the Ministry is in a precarious condition and holds an exceedingly slight tenure of office. Another Bill on the Usury Laws has been introduced by Mr. Wright, West Riding of York....

"This Bill if carried would tend to weaken still more the ties which bind the Upper Canadian section of the Ministry to their Gallic allies; but it is not likely, unless by a vigorous effort, that it will become law. As the breach begins to widen more caution will be exercised, and probably the doom of the Ministry may be averted--at least for the present."
9. A lengthy commentary denouncing this measure appeared in HAMILTON SPECTATOR SEMI-WEEKLY, 26 March 1853.
10. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 23 March 1853, MONTREAL GAZETTE, 25 March 1853, PILOT, 26 March 1853, BRITISH COLONIST, 29 March 1853, HAMILTON SPECTATOR DAILY, 30 March 1853, NORTH AMERICAN SEMI-WEEKLY, 1 April 1853, and NORTH AMERICAN WEEKLY, 7 April 1853; BRITISH WHIG, 30 March 1853 (which misdated its account as 24 March 1853) reported an identical account of the discussion relative to the dissolution of Parliament. The debate was also reported by GLOBE, 2 April 1853. Commentaries appeared

in HAMILTON SPECTATOR SEMI-WEEKLY, 6 April 1853; and HAMILTON SPECTATOR WEEKLY, 7 April 1853, which stated that:

"As regards the dissolution of Parliament hinted at, consequent on the passing of the Representation Bill, it is evident that such is the intention of the Government, so soon as the sanction of the Upper House is obtained. Mr. Hincks' reiterated assurances to the contrary go for nothing. It follows as a natural consequence that a dissolution cannot be avoided, since the act declares that the people are not fairly represented under the existing system. The country should be on its guard: a dissolution may take place when perhaps least expected."

11. MONTREAL GAZETTE, 25 March 1853. What follows is a conjectural reconstruction of the order of events. MONTREAL GAZETTE, 25 March 1853, reported the discussion relative to the dissolution of Parliament as occurring in Committee before it rose, the preamble of the Bill then being adopted. GLOBE, 2 April 1853, reported the conversation as occurring after the Committee rose and in objection to the Motion for its reception. Thereafter reports are in agreement as to the order of business.
12. MONTREAL GAZETTE, 25 March 1853.
13. IBID.
14. GLOBE, 2 April 1853.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. MONTREAL GAZETTE, 25 March 1853.
20. GLOBE, 2 April 1853.
21. MONTREAL GAZETTE, 25 March 1853.
22. GLOBE, 2 April 1853.
23. MONTREAL GAZETTE, 25 March 1853.
24. GLOBE, 2 April 1853.
25. IBID.
26. MONTREAL GAZETTE, 25 March 1853.
27. GLOBE, 2 April 1853.
28. MONTREAL GAZETTE, 25 March 1853.
29. GLOBE, 2 April 1853.
30. MONTREAL GAZETTE, 25 March 1853.
31. GLOBE, 2 April 1853.
32. IBID.
33. MONTREAL GAZETTE, 25 March 1853.
34. GLOBE, 2 April 1853.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. NORTH AMERICAN SEMI-WEEKLY, 1 April 1853, included the following statements in its commentary relative to this amendment of the Representation Bill:

"... in almost every case where an attempt was made to equalize

particular constituencies, the tory members from the locality voted against the amendment and their friends followed them!! The most striking case of this is to ... be found in the vote on [the] amendment of Mr. Merritt for equalizing the three constituencies in the District of Niagara. The Bill added a Township to the town of Niagara increasing its population to nearly 6,000. Mr. Merritt proposed a division that would have made the three constituencies of Niagara, Welland and Lincoln equal with a population of about 15,000 each. Mr. Morrison opposed this, as Brockville and other small constituencies had not been thus swamped, but it was known that he would vote for the Bill at any rate. But what said Mr. Street? He had, like some other members of his party, talked about 'basing representation on population,' and here was an opportunity. Did he vote for the amendment? Not he. It would have affected his personal prospects, and he could not accept his own avowed principle."

47. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 23 March 1853, MONTREAL GAZETTE, 25 March 1853, PILOT, 26 March 1853, HAMILTON SPECTATOR DAILY, 30 March 1853, BRITISH COLONIST, 1 April 1853, NORTH AMERICAN SEMI-WEEKLY, 1 April 1853, and NORTH AMERICAN WEEKLY, 7 April 1853. The debate was also reported by: GLOBE, 2 April 1853; and LA MINERVE, 31 March 1853 (which misdated its account as 24 March 1853). A commentary appeared in JOURNAL DE QUEBEC, 24 March 1853.
48. GLOBE, 2 April 1853.
49. MONTREAL GAZETTE, 25 March 1853.
50. GLOBE, 2 April 1853.
51. MONTREAL GAZETTE, 25 March 1853.
52. GLOBE, 2 April 1853.
53. MONTREAL GAZETTE, 25 March 1853.
54. GLOBE, 2 April 1853.
55. MONTREAL GAZETTE, 25 March 1853.
56. GLOBE, 2 April 1853.
57. MONTREAL GAZETTE, 25 March 1853.
58. GLOBE, 2 April 1853.
59. MONTREAL GAZETTE, 25 March 1853.
60. GLOBE, 2 April 1853.
61. MONTREAL GAZETTE, 25 March 1853.
62. GLOBE, 2 April 1853. MONTREAL GAZETTE, 25 March 1853, reported that "then there was ... a clause allowing members of families to sue liquor-sellers for damage they may do to their relatives, &c."
63. GLOBE, 2 April 1853.
64. MONTREAL GAZETTE, 25 March 1853.
65. GLOBE, 2 April 1853.
66. MONTREAL GAZETTE, 25 March 1853.
67. GLOBE, 2 April 1853.
68. MONTREAL GAZETTE, 25 March 1853.
69. GLOBE, 2 April 1853.
70. MONTREAL GAZETTE, 25 March 1853.
71. GLOBE, 2 April 1853.
72. MONTREAL GAZETTE, 25 March 1853.
73. GLOBE, 2 April 1853.
74. MONTREAL GAZETTE, 25 March 1853.
75. GLOBE, 2 April 1853.
76. MONTREAL GAZETTE, 25 March 1853.
77. GLOBE, 2 April 1853.

78. MONTREAL GAZETTE, 25 March 1853.
79. GLOBE, 2 April 1853.
80. MONTREAL GAZETTE, 25 March 1853.
81. GLOBE, 2 April 1853.
82. MONTREAL GAZETTE, 25 March 1853.
83. GLOBE, 2 April 1853.
84. MONTREAL GAZETTE, 25 March 1853.
85. GLOBE, 2 April 1853.
86. MONTREAL GAZETTE, 25 March 1853.
87. GLOBE, 2 April 1853.
88. MONTREAL GAZETTE, 25 March 1853.
89. GLOBE, 2 April 1853. MONTREAL GAZETTE, 25 March 1853, reported that
"the hon. member then proceeded to statistics, and cited an immense
catalogue of criminals, lunatics, idiots, &c., who had been made such
by liquor in the United States."
90. GLOBE, 2 April 1853.
91. MONTREAL GAZETTE, 25 March 1853.
92. GLOBE, 2 April 1853.
93. MONTREAL GAZETTE, 25 March 1853.
94. GLOBE, 2 April 1853.
95. MONTREAL GAZETTE, 25 March 1853.
96. GLOBE, 2 April 1853.
97. MONTREAL GAZETTE, 25 March 1853.
98. GLOBE, 2 April 1853.
99. MONTREAL GAZETTE, 25 March 1853.
100. GLOBE, 2 April 1853.
101. MONTREAL GAZETTE, 25 March 1853.
102. GLOBE, 2 April 1853.
103. MONTREAL GAZETTE, 25 March 1853.
104. GLOBE, 2 April 1853.
105. MONTREAL GAZETTE, 25 March 1853.
106. GLOBE, 2 April 1853.
107. MONTREAL GAZETTE, 25 March 1853.
108. GLOBE, 2 April 1853.
109. MONTREAL GAZETTE, 25 March 1853.
110. GLOBE, 2 April 1853.
111. MONTREAL GAZETTE, 25 March 1853.
112. GLOBE, 2 April 1853.
113. GLOBE, 2 April 1853. MONTREAL GAZETTE, 25 March 1853, reads "against the
licensing of houses for the sale of intoxicating liquors."
114. MONTREAL GAZETTE, 25 March 1853.
115. GLOBE, 2 April 1853.
116. MONTREAL GAZETTE, 25 March 1853.
117. GLOBE, 2 April 1853.
118. MONTREAL GAZETTE, 25 March 1853.
119. GLOBE, 2 April 1853.
120. MONTREAL GAZETTE, 25 March 1853. The reporter for JOURNAL DE QUEBEC,
24 March 1853, commented as follows:
"Je me permettrai de signaler ici une omission importante, dans le
bill de M. Cameron, et j'espère qu'on ne blâmera ni la forme ni l'opportunité
des remarques qui suivent:
"Le projet défend la vente, trafic et fabrication de toute liqueur
ou boisson enivrante, excepté pour les fins médicales, chimiques ou
mécaniques. Tout le monde sait que les catholiques dans la célébration
de la messe, et plusieurs sectes protestantes dans la commémoration de la
cène, font usage de vin. D'après le bill de M. Cameron, il est défendu de

vendre du vin pour les fins du culte religieux, car les fins religieuses ne peuvent être comprises dans l'exception prévue par le bill qui ne parle que des fins médicales, chimiques et mécaniques."

121. MONTREAL GAZETTE, 25 March 1853.
122. GLOBE, 2 April 1853.
123. IBID.
124. IBID.
125. IBID.
126. The following papers reported a synopsis of the Question and Answer in identical accounts: BRITISH WHIG, 22 March 1853, GLOBE, 22 March 1853, HAMILTON SPECTATOR DAILY, 22 March 1853, PILOT, 22 March 1853, EXAMINER, 23 March 1853, MONTREAL GAZETTE, 23 March 1853, and LA MINERVE, 22 March 1853. The following papers reported the full text of the Question and Answer in identical accounts: MORNING CHRONICLE, 23 March 1853, MONTREAL GAZETTE, 25 March 1853, BRITISH COLONIST, 29 March 1853, NORTH AMERICAN SEMI-WEEKLY, 1 April 1853, and NORTH AMERICAN WEEKLY, 7 April 1853.
127. MORNING CHRONICLE, 23 March 1853.
128. IBID.
129. The following papers reported the debate on this Withdrawn Motion in partially identical accounts: MORNING CHRONICLE, 23 March 1853, MONTREAL GAZETTE, 25 March 1853, PILOT, 26 March 1853, and BRITISH COLONIST, 29 March 1853. The following papers noted the debate in identical accounts: BRITISH WHIG, 22 March 1853, GLOBE, 22 March 1853, HAMILTON SPECTATOR DAILY, 22 March 1853, PILOT, 22 March 1853, EXAMINER, 23 March 1853, MONTREAL GAZETTE, 23 March 1853, and LA MINERVE, 22 March 1853.
130. MONTREAL GAZETTE, 25 March 1853.
131. IBID.
132. IBID.
133. IBID.
134. IBID.
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. IBID.
140. MONTREAL GAZETTE, 25 March 1853, attributed this statement to Mr. Cauchon.
141. MORNING CHRONICLE, 23 March 1853.
142. MONTREAL GAZETTE, 25 March 1853.
143. IBID.
144. IBID.
145. IBID.

TUESDAY, 22 MARCH 1853.

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THE following Petitions were severally brought up, and laid on the table:--
By Mr. McDougall,--The Petition of J.D. Armstrong, Esquire, and others, of the Parish of Sorel, District of Montreal.

By Mr. Smith of Durham,--The Petition of J.T. Williams, Esquire, Mayor, and others, of the Town of Port Hope.

By Mr. Morrison,--The Petition of John Black, Clerk to the Registrar, and William Stanley, Clerk to the Master of the Court of Chancery for Upper Canada.

By Mr. Brown,--The Petition of William Corley and others, of the Township of St. Vincent; the Petition of the Municipality of the Township of Crowland; the Petition of John McDonald and others, of the Village of St. Mary's; the Petition of Thomas F. Purdy and others, of the Gore of Camden, County of Kent; the Petition of William Flood and others; the Petition of Philip Thompson and others; and the Petition of Peter Fergusson and others.

Resolved, That the Petition of the Municipal Council of the Town of Perth, relative to the Law respecting the licensing of Auctioneers, be referred to a Select Committee, composed of Mr. Shaw, Mr. Ridout, Mr. Patrick, Mr. Mattice, and Mr. Stevenson, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons,

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papers, and records.

Resolved, That the Petition of the Municipal Council of the United Counties of Lanark and Renfrew, relative to the Law regulating the standard of Weights and Measures, be referred to a Select Committee, composed of Mr. Shaw, Mr. Stevenson, Mr. Hartman, Mr. Malloch, and Mr. Patrick, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Mr. Prince, from the Special Committee to which was referred the Petition of Josiah Strong and others, of the Township of Sandwich, County of Essex, with power to report by Bill or otherwise, and another reference, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have carefully examined the Petition of Josiah Strong and a large number of other highly respectable Freeholders in the Township of Sandwich, County of Essex, praying for a Bill to divide that Township into two separate and independent Municipalities, according to the plan set forth in their Petition; and Your Committee have also carefully examined the Petition of the Municipal Council of the same Township, setting forth their reasons why they do not deem it necessary or advisable that the said Township should, for the present, be divided into two Municipalities, and praying that the same may remain in its present position without being divided, and representing that it is far more the popular opinion that the Town of Sandwich and Village of Windsor should be incorporated into a Municipality, leaving the rural portion of the Township by itself.

Your Committee have given much attention to these Petitions, because they refer to a matter of great importance to the Township, and they cannot but think, that numbering as it does, in population and wealth any two other Townships in the County of Essex, it may not be sufficiently represented in the Council of the United Counties of Essex and Lambton. At the same time Your Committee feel themselves bound to attach great weight to the opposition given to the measure by the Municipal Council of the said Township, who are supposed to represent the Freeholders and Inhabitants by whom they were elected, and who must have formed the majority of its people.

Your Committee, therefore, considering this to be purely a local measure, and one to be properly submitted to the people of Sandwich before the election of Municipal Officers in January next, decline reporting or recommending any Bill to be passed by Your Honorable House in favor of a division of the said Township, and they are unanimous of opinion, that the matter should, for the present at least, remain as it is.

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Fifteenth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to incorporate the Hamilton and Port Dover Railway Company, and have made several amendments thereto, which they humbly submit to the favorable consideration of Your Honorable House.

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Sixteenth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to incorporate the Montreal, Bytown, and Ottawa Grand Trunk Railway Company, and have gone

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through the provisions of the same, to which they have made several amendments, which they humbly submit for the adoption of Your Honorable House.

Ordered, That the Bill to incorporate the Brockville and Ottawa Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Mr. McDonald of Cornwall, from the Standing Committee on Standing Orders, presented to the House the Thirty-first Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of the Municipality of Pittsburgh, for an extension of the boundary of that Township,--and of N. Sparks and others, for incorporation of the Bytown and Pembroke Railway Company, and are satisfied that sufficient Notice has been given. The full Notice has also been now proved upon the Petition of Charles C. Small for an Act to vest in him a certain Road allowance in Pickering, presented prior to the adjournment.

On the Petition of the Peterborough and Port Hope Railway Company, for amendments to their Act of Incorporation, and for authority to construct a branch to the Township of Mariposa and another to the Village of Keene, Your Committee find that the Notices given are sufficient, excepting so far as respects the branch last mentioned; they therefore beg to recommend, that the Company be allowed to proceed upon their Petition, with the exception of that part of it which relates to the construction of a branch to the Village of Keene.

With regard to the Petition [sic] of J.G. Bowes and others, for incorporation of a Company to construct a Railway from some point on the Toronto and Guelph Railway to Owen Sound and thence to Saugeen, the Notices proved, embrace only the United Counties of Ontario and Peel, and those of Wellington, Waterloo, and Grey; Your Committee, therefore, respectfully recommend that in any Charter to be granted to the Petitioners, the route of the proposed Railway be confined to those Counties, thus excluding the County of Simcoe and the proposed extension from Owen Sound to Saugeen.

On the Petition of the Municipality of Mono, for annexation of that Township to the County of Peel, it appears that no Notices have been given.

Ordered, That Mr. Malloch have leave to bring in a Bill to incorporate the Bytown and Pembroke Railway Company.

He accordingly presented the said Bill to the House, and the same was re-

ceived and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That the Bill to incorporate the Montreal, Bytown, and Ottawa Grand Trunk Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to incorporate the Hamilton and Port Dover Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Hartman reported, That the Committee had gone through the Bill, and made amendments thereto.

Ordered, That the Report be now received.

Mr. Hartman reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

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Ordered, That Mr. Ridout have leave to bring in a Bill conveying to the City of Toronto certain Water Lots, with power to the said City for the construction of an Esplanade.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to amend the Act incorporating the Peterborough and Port Hope Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring in a Bill supplementary to the Common School Act of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

The Order of the day for the third reading of the Bill to provide for the care of habitual Drunkards, and the custody and disposal of their effects, being read;

Ordered, That the Bill be read the third time on Thursday the thirty-first day of March instant.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly, of the 28th ultimo, for a List of all applications for grants of the Beach of the River St. Charles, and of all grants or leases which have been made thereof.

By Command.

Secretary's Office,
Quebec, 9th March, 1853.

A.N. Morin, Secretary.

Crown Land Department,
Quebec, 2nd March, 1853.

Sir,--In compliance to the request contained in your Letter of the 1st instant, I have the honor to enclose a List of the grants of the Beach of the

River St. Charles, within the Estates of the late Order of the Jesuits, as furnished by the local Agent; also, a List of all persons who have applied for grants of Beach on that River, through this Department, since it has had the superintendence of the Crown Domain and Jesuits' Estates (1847), or which were made previous thereto, but were yet pending at that time.

I should also state that T.C. Lee, Esquire, holds, under a lease which expires on the 1st October, 1849, the Beach in front of a portion of Lavacherie Farm, together with a deep Water Lot opposite the same, and further the tongue of Land called Hare Point, with the wharves attached to the same, on a lease which expires the 1st May, 1855.

With regard to the other grants of Beach on the River St. Charles, which may have been completed up to this day, I beg to refer you to my letter of the first instant, in answer to yours of the same date before mentioned.

I have the honor to be, Sir,

Your obedient Servant,

Felix Fortier,

For the Commissioner of Crown Lands.

Etienne Parent, Esquire,

Asst. Pro. Secretary, East, Quebec.

(615)

List of persons who have applied for grants of the Beach of the St. Charles River, through the Crown Land Department, since it has had the superintendence of the Crown Domain and Jesuits' Estates, or which were made previous thereto, but were yet pending at that time.

John Jones; Mathew Bell, William Walker and David Burnet; William Hedley Anderson; Archibald Laurie; John Munn; Heirs John Anderson; T.T. Lowndes; Paul Lepper; François Joseph Parant and Charles F. Pratt.

Felix Fortier,

For the Commissioner of Crown Lands.

Crown Land Department,

Quebec, 3rd March, 1853.

Table of grants of Beach Lots on the River St. Charles, Seigniorship of Notre Dame des Anges, made by the Crown as representing the late Order of Jesuits.

| Grantee. | Notary. | Date of Deed. | Amount. | | | Annual Interest. | | | Remarks. |
|------------------------------|------------|-----------------|---------|----|----|------------------|----|----|---|
| | | | £ | s. | d. | £ | s. | d. | |
| H.N. Jones | Ls. Panet. | 22nd Nov. 1839. | 426 | 0 | 0 | 21 | 6 | 0 | { Tenure commuted, 1st October, 1849. Amount paid £44 15s. 0d. |
| Widow Jos. Savard | Ls. Panet. | 30th Nov. 1839. | 76 | 0 | 0 | 3 | 16 | 0 | |
| Burnet [sic] & Forsyth | Ls. Panet. | 6th Dec. 1839. | 400 | 0 | 0 | 20 | 0 | 0 | { Do. do. 2nd June, 1848. Amount remaining & constitut £208 6s. 8d., now in possession of F.X. Paradis, Esquire. |
| Hôtel Dieu of Quebec | Ls. Panet. | 19th Oct. 1840. | 370 | 18 | 0 | 18 | 10 | 11 | |
| The Rev. E. W. Sewell | Ls. Panet. | 15th Jan. 1841. | 987 | 6 | 0 | 49 | 7 | 7 | { Constitut redeemed, 10th Dec. 1850. |

| Grantee. | Notary. | Date of Deed. | Amount. | | | Annual Interest. | | | Remarks. |
|------------|------------|-----------------|---------|----|----|------------------|----|----|----------|
| H.N. Jones | Ls. Panet. | 26th Jan. 1842. | £ | s. | d. | £ | s. | d. | |
| H.N. Jones | Ls. Panet. | 30th July 1846. | 479 | 7 | 8 | 23 | 19 | 4 | |
| | | | 346 | 0 | 0 | 17 | 6 | 0 | |
| | | | £3085 | 11 | 8 | 154 | 5 | 10 | |

Quebec, 2nd March, 1853.

Louis Panet, Agent.

Crown Land Office,
Quebec, 9th March, 1853.

Sir,--In my letter to you of the 3rd instant, enclosing two Lists called for by the Legislative Assembly, I should have observed that by Order in Council of the 18th ultimo, a grant of certain Beach property on the River St. Charles, in the Jesuits' Estates, now occupied by Wm. Hedley Anderson, Esquire, was allowed in favor of that gentleman, who has since signified his acceptance of the proposed terms, and would therefore appear as much entitled to the property as if the grant was fully completed.

I have the honor to be, Sir,
Your obedient Servant,

Felix Fortier,
For the Commissioner of Crown Lands.

Etienne Parent, Esquire,
Asst. Pro. Secretary, East, Quebec.

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List of Grants and Leases made by the Crown of the Beach of the River St. Charles, prepared in compliance with an Address of the Honorable the Legislative Assembly, of the 28th day of February, 1853.

| Name. | Lot. | Contents. | Date. |
|--|---|--|---------------------|
| Nathaniel Taylor and others. | Grant to them of the right of constructing <u>Dorchester Bridge</u> on certain conditions and reservations. | | 27th April, 1789. |
| The Honorable John Richardson, Curator to vacant Estate of the late William Grant. | Grant of part of the Beach on the south westerly shore of the River <u>St. Charles</u> . | 537,166 ft. French Measure. | 15th March, 1811. |
| Charles Smith. | Lease of Hare Point for 21 years, from 1st May, 1829. | 53 arpents 21 perches, French Measure. | 11th October, 1830. |
| William Henderson and others, Trustees of <u>St. Paul's Market</u> . | Grant of a Beach Lot on the south shore of the River <u>St. Charles</u> . | Not stated. | 16th January, 1833. |

| Name. | Lot. | Contents. | Date. |
|------------------------------------|--|------------------------------------|---------------------|
| Charles Smith, the elder. | Grant in Free and Common Soccage of Lot at LaCanardière (Commutation of Tenure). | 100 arpents, 61 perches, 228 feet. | 16th August, 1845. |
| Corporation of the City of Quebec. | Grant of Palace Harbor, Quebec. | 988,000 feet, English Measure. | 22d November, 1851. |

Provincial Registrar's Office,
Quebec, 3rd March, 1853.

Thomas Amiot,
Deputy Registrar of the Province.

Supplementary Return to an Address of the Legislative Assembly, dated 18th February 1853, for copies of all Correspondence between the Government and Mr. Joly, relative to the Point Platon Wharf, and for copies of all Surveys and Reports relative to the said Wharf.

For the said Supplementary Return, see Appendix (W.W.W.)

A Bill to authorize the Municipal Council of the Town of Amherstburg to sell the site of the Old Market in that Town, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to amend an Act of the Legislature of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, "An Act to amend the Law respecting Real Property, and to render the proceedings for recovering possession thereof in certain cases less difficult and expensive," was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Richards do carry the Bill to the Legislative Council, and desire their concurrence.

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The Order of the day for the second reading of the Bill to amend and consolidate the Laws relative to Emigrants and Quarantine, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for To-morrow.

Ordered, That the said Order be then the first Order of the day.

The Order of the day for the second reading of the Bill to remove certain doubts existing as to the true meaning and effect of the sixth Section of an Act passed during the present Session, intituled, "An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company,'" being read;

The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.

The Order of the day for the second reading of the Bill from the Legislative Council, intituled, "An Act to incorporate the Brockville Gas Light Company," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act of Incorporation of the British North American Electric Telegraph Association, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to amend the Act incorporating the Seminary of St. Hyacinthe d'Yamaska, in so far as regards the persons composing the said Corporation, and to declare what persons shall hereafter compose and constitute the same," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have passed the Bill, intituled, "An Act to incorporate the Society of Charitable Ladies of the Parish of St. Etienne de la Malbaie," with an Amendment, to which they desire the concurrence of this House.

And then he withdrew.

The¹ order of the day ... [was] called for, the second reading of the bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof.²

MR. AT. GEN. DRUMMOND rose to address the House³.

SIR A. MACNAB stood up and asked on behalf of the seigniors, that the debate should not then go on, in order to permit a document to be printed which had been prepared at a cost of great labour by the learned gentleman who had so eloquently [*sic*] addressed the House at the bar. (Cries of "oh no" "go on" "no more waiting.") He held part of the document in his hand. It was not possible to get it out before that day, notwithstanding he was assured, the learned gentleman had laborred [*sic*] very hard to do so. He (Sir A. McNab,) for one should like to study it, and he was sure also, that hon. gentlemen who came from Upper Canada would desire to do the same. They wanted to understand that question which they believed to be one of great importance; and he (Sir A.N. McNab) was sure that he should be better able to understand the remarks of the Hon. Attorney Genl., East, after understanding thoroughly the position taken by the learned gentleman who spoke at the bar.⁴

MR. AT. GEN. DRUMMOND.--I have already shewn every disposition to meet in this particular the wishes of those who are opposed to the bill; but I think the present request is too much. When delay was asked after the address of the learned Counsel at the bar it was understood that that should be the last, and that we should now go on with the bill. The document which the hon. and gallant knight holds in his hands, is a list of titles and it does not affect the question. These titles are besides contained in the volumes of pieces et documents, which has been for some time before the House, and hon. gentlemen may there refer to them. My own opinion is, that printing these, was a loss of time and money, but if any hon. gentleman fancies that the list of titles is necessary to enable him to decide the question, he will at any rate have plenty of time before the bill goes into committee, as it is not the intention to do so to-night.⁵

MR. J.A. MACDONALD of Kingston, would like to understand perfectly the speech of Mr. Dunkin, which he understood was now being printed, before hearing the hon. Attorney General. If he were in the first place permitted to peruse Mr. Dunkin's speech, he should be afterwards better able to understand the speech of the Attorney General.⁶

MR. H. SMITH of Frontenac, thought the hon. Attorney General had better

assent to the delay.--Members from Upper Canada could better understand the question if they had the whole case before them before they listened to the argument of the hon. Attorney General.⁷

MR. BROWN hoped the hon. Attorney General would not consent to put off the debate. The question was one of the most vital importance to Upper Canada as well as to Lower Canada. It was a question that would take much time to discuss, and hon. gentleman [sic] would have plenty of time before the bill went into committee, or at least when it was in committee to raise any objections they thought proper. The Seigniorial tenure was a great social evil. Many schemes would be brought forward to do away with it, and they would all take time. He hoped the hon. Attorney General would go on.⁸

MR. BADGLEY agreed with the hon. member for Kent, that this question should be decided as soon as possible, but the best way to attain that end, would be to have the whole case before them previous to commencing. The speech of the learned Counsel who spoke at the bar, was in course of publication, and he (hon. Mr. B.) thought they had better have it before them. The question was of vast importance for Lower Canada, and indeed the whole Province, and time should be allowed to lay the whole case before the House.⁹

MR. ROBINSON asked for delay. The remarks of the Hon. Attorney General, would in part apply to those made by the learned Counsel, and he (Hon. Mr. R.) for that reason thought it would be better to wait until the speech of the learned Counsel was printed.¹⁰

MR. AT. GEN. DRUMMOND.--The bill has now been a long time before the House; quite sufficient to have allowed any objections to be prepared. It was fixed for the second reading on October 19th which was some time after its introduction, and then postponed until after the recess, and yet the Seigniors are not prepared. The opposition to the bill is not general on the part of the Seigniors. I know that some of them are in favour of it, & consider it as the best compromise that they can obtain. I believe it is more important for the Seigniors than the Censitaires that this bill should pass. I do not think it necessary to reply, nor shall I reply, to the arguments of the learned gentleman who spoke at the bar. If the Censitaires choose to employ some person to do so, they may, but I shall not. I do not say that the arguments of the learned gentleman are not worth replying to, for I believe that he conducted his case ably, and spoke with much eloquence. But he has not envisaged the question in the same light that I do, and I proceed on different grounds. The duty of that learned gentleman was to advocate by all allowable means the peculiar views of his clients--mine is to stand between both classes and to see that in carrying out a great measure of reform demanded by the country at large, no injury is done to the private rights of either the Seigniors or the censitaires.--I do not propose to enter into the details of the bill to-day. I am however prepared, and do not require delay. I shall not be willing to grant the request, which has been made to put off the discussion, unless a strong opinion is expressed by the House in favour of delay.¹¹

SIR A. MACNAB.--If you are not going into Committee to-day, go on.¹²

Cries arose of "go on."¹³

DR. LATERRIERE pleaded for delay¹⁴.

(617)

The House resumed the further consideration of the Question which was, on Friday the eleventh day of March instant, proposed, That the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof, be now read a second time;

And a Debate arising thereupon;

MR. AT. GEN. DRUMMOND then rose to go on with the debate. He said: it is not my intention as I have stated, to enter into the details of the measure at present, but confine myself rather to some general remarks on the origin and nature of Seigniorial Rights. I admit that the history of Seigniorial Grants in this country has been clearly and ably given by the learned Counsel who spoke at the bar. I agree with him as to the facts he has stated, but I differ from his conclusions. It must be remembered, that when the Kings of France undertook the settlement of Canada, great changes had taken place in France. The feudal tenure at that time, was not then, the same thing as it was when it came into France centuries before. The condition of the censitaires was not what it had been in previous centuries. So far back as the time of King Louis X an ordinance was passed abolishing slavery, throughout all the kingdom of France, and at the period of the first settlement planted in New France persons holding en roture under the Custom of Paris had long ceased to be considered as adscripti gleboe, as forming a portion of the soil, as being the serfs of their lords. I deny that the Kings of France always lost sight of the people, and he who asserts that, must have read the history of France with a very prejudiced eye. Justice has not been done to the Kings of France by the Counsel at the bar. In the whole history of the world, more benevolence cannot be found than in the arrets, edicts, and ordinances of the Kings of France, relative to the settlement of Canada. Had the Kings of France been always animated by the same spirit in ruling over their own kingdom, as is manifested by the arrets and edicts, with reference to the Colonists of New France, they might have been ruling now, and revolution had not hurled them from the throne. I repeat that those vague and arbitrary services which were of old imposed upon the people had long ceased, before Canada was settled. At the time of the settlement of Canada, the feudal tenure and all its incidents were well understood in France. The mutual rights of the Seigniors and censitaires with few exceptions were well known and pronounced upon in the French tribunals, according to well defined and settled rules. The cens et rentes were not limited by any law, but were regulated by the value and nature of the soil, and were fixed at such rates as were agreed upon between the Seignior and the censitaire, but these rates were invariably low. In France the land was all or nearly all, taken up; there were no forests except those reserved for exploitation or for the chase; but in Canada there were many millions of acres of wild lands, which could only be made available by settlement. While in France where there were no wild lands to settle, the Seignior might make whatever charge he chose, it was different in the forests of Canada. The Kings of France being determined upon effecting the settlement of these lands resolved upon granting them to companies or to individuals, subject to their being sub-granted to actual settlers at certain low rates of cens et rentes, which were well known in the colony.¹⁵

MR. ROBINSON, here rose and said, if the hon. Attorney General, will explain these terms in English, he will be more clearly understood by hon. members from Upper Canada. I myself understand the terms, but I think they are not generally understood; and I think the hon. Attorney General will agree with me, that it is of importance he should be understood. I make this suggestion because I think, the question is of very great importance.¹⁶

MR. AT. GEN. DRUMMOND, said, I shall be happy to do so, and I am obliged to the hon. member for his suggestion. Perhaps familiar use of these words, makes me unmindful that they may not be intelligible to other hon. members of the House. In the early times of the French Monarchy, viz.: during the reigns of the Kings of the first two races, the words cens was applied in the same manner as the English word cess. The cens was always looked upon as something in the nature of a tax. And I am quite sure that our word assessment

comes from accensement. Hervé, however, who is one of the best authorities in matters pertaining to the Seigniorial Tenure, says that the word cens in its more modern acceptation is synonymous with the word rente, or ground rent, and if a Seigniorial rent alone were stipulated it should be looked upon in the light of a cens. I think the learned counsel who was heard at the bar wasted very much learning to prove that the Canadian Seignior held a right of property in his Seignior. Nobody ever doubted that. He does hold a right of property, but it is jointly with the censitaire. The Seignior and the censitaire are in truth the joint owners of the property. The former holding the dominal right over the property (dominium directum) and the latter being alone vested with the dominium utile, or the right of using the soil for his own benefit. From this domanial right (dominium directum) arose several claims on the part of the Seignior which were eventually acknowledged by the Courts of France as incidents of the Tenure. Prominent amongst them stood the right of claiming from the censitaire a fine at each mutation. If we look back to the early history of France we can easily trace the origin of this right. It arose out of the necessity under which the feudal Seignior stood in those times when the sword ruled the world, to choose his soldier tenantry from men faithful to his interests and to the cause of the Superior Lord whose battles he was bound to fight. In order to attain this object, the Seignior re-united to his domain the land which the censitaire abandoned or wished to dispose of--and he received one fine for resuming it from the original holder and another for granting it to the new tenant. The first fine was designated by the word vente, or sale,--the second by the word lod derived from laudare which in that acceptation was equivalent to the word "approve" and signified the act by which the Seignior approved of or accepted his new tenant. In course of time when military service ceased to be required, and when the arbitrary exactions of the feudal Seigniors resolved themselves into rights clearly defined and enforced by Courts of Justice, the mutation fines underwent an important modification. The formality of reuniting to the Seigniorial Domain lands sold within the limits of the Seignior was abandoned--the fine due upon the act of re-union and that due upon the concession to the new tenant were merged into one fine, the names by which they were designated were also merged into one term, viz., lods et ventes, and the fine so designated became payable by the new purchaser alone.

But this fine, which amounted to one-twelfth of the purchase money, did not become due on every mutation. It was not payable on the transmission of the property from father to son. Nor was it due on the transmission of property from any one member of a family to another of the same family under any arrangement which had for object the apportionment of the estate of the ancestor amongst his heirs. Nor was it due on exchange where no money had been received on either side. But when one lot of land was exchanged for another of a different value, the lods et ventes became due on the difference. It is manifest, that in such a condition of things as this, frauds might be easily committed upon the Seignior & they became in fact so common as to induce some of the most respectable feudests [*sic*] to say that it was allowable to defraud the Seignior. "Il est permis de frauder le Seigneur;" a maxim of doubtful morality even in its application to those transactions which, by means of cunningly devised transudations the censitaire could evade the payment of mutation fines to the Seignior, and one which I am confident, no member of this Legislature will be disposed to apply to the Seignior in dealing with a measure of so much importance as that which is now before us.

To protect the Seigniors against these frauds, the right of taking back the land from the new purchaser existed as a common law right in some of the Provinces of France. But that privilege was never recognized in the Viscounty of Paris unless it had been specially stipulated between the Seignior and his vassal.

Another important class of rights claimed by the French Seigniors were those which under the general designation of banalité or droits de banalité secured to them the exclusive privilege of grinding corn, baking bread and of making money out of their censitaires in various other ways which I must abstain from enumerating.

Although some of these exclusive privileges were acknowledge[d] in certain Provinces of France as common law rights, none of them were admitted as such by the Custom of Paris and none were enforced by the Tribunals, whose decisions were regulated by that system of law, unless they had been especially stipulated between the Lord and his vassals.

No Seignior therefore was entitled to hold [a] banal mill in his Seignior under the custom of Paris unless his vassals had previously [sic] surrendered to him by a special covenant the natural right which they possessed to build mills for themselves. When any such covenant was made the rate at which the Seignior would be bound to grind the corn grown by his tenants, was usually stipulated; when it was not, the Seignior could claim no higher rate of mulcture than that which was usually paid in the neighbourhood.

As closely connected with the exclusive privilege of erecting mills, I now advert to another claim put forth by some of the Seigniors of France, viz., the exclusive right of property in the streams and other waters flowing through their censives and not being navigable. By some Feudists this right was denied to all Seigniors. By others it was accorded to those Lords alone to whose Tenure was attached the power of administering high Criminal Justice within their possessions. By another class of writers it was declared to be vested in all the Feudal Seigniors as well as in the High Justiciars. My opinion drawn from the writings of some of the most respectable amongst these authors, is that a control over unnavigable waters was originally exercised by the Lord High Justiciar solely for police purposes or for securing a free use of them to the public, that in course of time he came to use as his own that which he held for others.

I trust these observations will suffice to convey to such of the Honorable Members whose attention has not been directed to the subject a general idea of the lucrative rights which could be claimed from his vassals, by the proprietor of a Seignior in that part of France, the common law of which was afterwards transferred to the Colony of New France.

If we now refer to the first grant to the hundred Associates, we shall find that the great object of the French King in granting lands in New France was to settle the Country. It was also the condition either expressed or implied of all the grants made in Canada which were all liable to be taken away, if the territory granted was not settled. It was not merely at the time of the issuing of the arret of Marly, in 1711, that the Crown of France determined upon making settlement, the condition of granting lands in Canada, but long before. But the most important of the arrets is that of 1711. Before, however, I come to remark upon that particularly, I will glance at the condition of Canada, at the time of its first settlement. I have said that the great object of the French Crown was to promote settlement, and is it consistent with common sense, to suppose that this could be done, by giving large tracts of land, to be absolutely owned by one individual? Canada at that time was a vast wilderness, a savage wild, inhabited by the bear and other beasts. I believe the means adopted by the King of France to convert this wild into a smiling garden, were adequate to the end--I believe that his plan was admirable,--and that if those to whom he confided the trust of settlement, had carried out his intentions that plan would have been eminently successful. It would not have answered so well for a broken country, but it was admirably adopted to the level valley of the St. Lawrence. The people brought their own customs with them. They came in a body; and in the

course of a very short time the new settlements were as an old country. The Seigniors were bound to concede, all their lands to any persons who went to them to demand concessions. The effect of this was soon to convert the forest into a garden; and, if any hon. Gentleman of this House, will visit the neighbourhood of Chambly, or other parts of Lower Canada, inhabited by the habitans, he will find them comfortable and contented in their neat and substantial farm houses; but, he will not find among them manufactures, nor the spirit of progress. If hon. gentlemen wish to find out the cause of this state of things, they must not look for it as one hon. member of this House seemed desirous [sic] of doing, beyond this world, or in the institutions of religion but in the Seigniorial tenure. The spirit of the Seigniorial tenure is opposed to that of progress. I repeat it was well adapted to the settlement of a new Country, it was well suited to the establishment of an agricultural population in a new country under the guidance of a Paternal Leader whom they were accustomed to obey ... but it is utterly repugnant to the independant and progressive spirit of the present time. I do not make these remarks with any desire to prejudice the question, but I do wish hon. gentlemen to understand correctly the exact state of the case.

I now come to the consideration of the arret of Marly. This arret is the Magna Charla [sic] of the rights of the censitaires. I look upon it as the most important guarantee of their rights. And in the face of this arret, I was astounded to see a few Seigniors come to the bar of this House, to assert that they have rights guaranteed to them, by the Crown of France, but that the censitaires have not. I maintain that the censitaires have rights--most imprtant [sic] rights guaranteed by the same authority as well as by the Crown of England, it is the duty of this legislature, to see that those rights of the censitaires are protected, and enforced. It is no argument to say that a lapse of one hundred years has consecrated wrong and violation of law. I repeat it is the duty of the legislature to protect the censitaires, but I think the Seigniors should receive indemnity [sic], for their just losses. The terms of the arret of Marly are clear. It declares the king had been informed, that some Seigniors had refused to concede, but they had kept the lands to sell them. This is expressly declared to be illegal, and the arret goes on to compel concession, on pain of confiscating the Seignior and re-uniting it to His Majesty's domain. The directions given in the arret are special--if a Seignior refuse to concede, the censitaire had only to go before the Governor & Intendant, and make formal application, when the concession would be forced, and the dues be paid not to the Seignior, but to the Receiver General of His Majesty's domain. If these rights of the censitaire existed then, should we refuse them now? But much less power is asked for against the Seigniors under the present Bill than under the arret in question. For under that arret the refractory Seignior forfeited all future right to rents upon the land conceded, while by this measure it is proposed that he shall still continue to receive them. The obligation of the Seignior to concede his wild land is indisputable, and I defy any man to shew that the Courts of Canada ever held a different doctrine--that they ever held, the Seignior had the dominium utile, in any land in his Seigniority not held en roture or as his private domain. I never heard this doctrine, before I heard it at the bar the other evening; I am in error, I did hear it propounded on one other occasion. The late member for the town of Sherbrooke (Mr. Gagy) once asserted it, at Toronto, but when Sir, questioned closely he was forced to admit that the Seigniors were bound to concede. During the same debate the hon. member for Leinster was understood to advance a similar proposition but, although disposed at times to take what may be considered extreme views of Seigniorial rights that gentleman repelled the imputation the moment it was cast upon him. After the cession of Canada to England, the powers exercised by the Intendant alone were transferred to

our courts, but those which he exercised jointly with the Governor were not vested in them and the effect of this, was that when the censitaires came to the courts, to seek redress from the illegal exactions of the Seigniors, they were told, "we admit the justice of your complaint, but we cannot exercise the joint powers of the Governor and Intendant." I shall read this arret of Marly, for I consider it the most important document, in connection with this Seigniorial question to which the attention of this House can be called. I admit, that if the Seigniors are not forced to concede,--if they possess the dominium utile--then the bill before the House, which is founded on the converse proposition falls to the ground. But before such a doctrine can be entertained, we must set aside the opinion of the old House of Assembly of Lower Canada, of the Legislation of United Canada, of all our Courts of Justice and of all Canadian Lawyers who have studied the question with the sole exception of the learned gentlemen [sic] who addressed us the other evening on behalf of his clients. If we admit that the seignior[s] have absolute property in their fiefs, that they have the right to do with them whatever they will, then there is no use in going on with this bill. But I hold that it is impossible to take up the volumes of the edicts, and ordinances, or any law, or history of the country, and avoid coming to the conclusion that these grants, although made to the Seigniors en pleine propriété, were, if granted à titre de fief, held subject to all the conditions and incidents attached to that species of propriety by the laws of New France. The Seignior holds the dominium directum in his Seignior, not the dominium utile. If it were otherwise the country would never have been settled. If we are to admit the extraordinary doctrine that we heard at the bar the other night, we must set aside all our local law and all the history of Canada. What does Raynal say? An author, with whose general political opinions I have nothing to do, but who is a good authority on this subject.

He says the King, "faisait à ses officiers civils ou militaires, et à d'autres de ses sujets qu'il voulait récompenser ou enrichir, des concessions qui avait [sic] depuis deux jusqu'à dix lieues en carré. Ces grands propriétaires hors d'état par la médiocrité [sic] de leur fortune, ou par leur peu d'aptitude à la culture, de mettre en valeur de si vastes possessions, furent comme forcés de les distribuer à des soldats vétérans ou à d'autres colons pour une redevance perpétuelle. Chacun de ces vassaux recevait ordinairement 90 arpents de terre, et s'engageait à donner annuellement à son seigneur un ou deux sols par arpent, et un demi minot de blé pour la concession entière; il s'engageait à moudre à son moulin, et à lui céder pour droit de mouture, la 14e partie de la farine; il s'engageait à lui payer un douzième pour les lods et ventes, et restait soumis au droit de retrait." Now with the exception of the droit de retrait which was a conventional and not a common law right, this extract contains an epitome of the rights of Seignior as there [sic] were recognized before the Cession of New France to England.¹⁷

MR. TESSIER here interrupted and asked, "what page?"¹⁸

MR. AT. GEN. DRUMMOND.--I read from Garneau's History of Canada. The passage from Raynal is extracted by that author, and I have not the volume of Raynal with me. The page of Garneau is 313. Now let us see what Garneau says, who I must say is a most able and elegant author. A philosophic spirit appears in all his pages, and if his work had been published elsewhere it might have gained its author a wide reputation. He says, "La loi canadienne n'a considéré d'abord le seigneur que comme un fermier du gouvernement, chargé de distribuer des terres au [sic] colons à des taux fixes. Cela est si vrai que sur son refus, l'intendant pouvait concéder la terre demandé [sic], par un arrêt dont l'expédition était un titre authentique pour le censitaire. Depuis la conquête cependant, nos cours de justice se sont écartées de cette sage jurisprudence; et chose singulière, à mesure que nos institutions sont devenues

plus libérales, ces mêmes cours sont devenues plus rigoureuses à l'égard du concessionnaire qu'elles ont livré sans protection à la cupidité des seigneurs."

I will now read these extracts in English, for the benefit of those hon. members from Upper Canada, who may not be familiar with French. First from Raynal. He says the king "gave concessions of from two to ten leagues square, to such of his officers civil or military as he desired to reward or to enrich. These large proprietor[s] unable, by the mediocrity of their fortune, or by their little knowledge of husbandry, to render their vast possessions valuable, were, as it were forced to distribute them among veteran soldiers or to other colonists, on payment of perpetual dues. Each of these vassals received ordinarily 90 acres of land, and engaged to give one or two sous per acre annually to his Seigneur, and half a minot of wheat for the whole concession; he engaged to grind at the Seigneur's mill, and to give for the milling, the fourteenth part of the grain; and he engaged to pay him one-twelfth for lods et ventes, and remain subject to the right of retrait." Mr. Gardeau [sic] says, "The law of Canada, in the first instance, only considered the Seigneur as a kind of farmer of the government, charged to distribute [sic] lands to the colonists at certain fixed rates. This was so true that on his refusal, the Intendant could concede the land demanded by an arret, the issuing of which would be an authentic title for the censitaire. Since the conquest, however, our courts of justice have digressed from this wise jurisprudence; and it is a singular fact that in proportion as our institutions have become more liberal, these same courts have become more rigorous with respect to the censitaire, and have delivered him over without protection to the cupidity of the Seigneurs." These are the sentiments of the only Canadian historian who has given us an opinion on this subject. I will now read the arret of Marly. It says:--

"The King being informed that among the tracts of land which His Majesty has been pleased to grant and concede in seigniorly to his subjects in New France, there are some which have not been entirely settled, and others on which there are as yet no settlers to bring them into cultivation, and on which also those to whom they have been conceded in Seigniorly, have not yet commenced to make clearings for the purpose of establishing their domains thereon:--

"And His Majesty being also informed that there are some seigneurs who refuse, under various pretexts, to concede lands to settlers who apply to them, with the hope of being able to sell the same, and at the same time impose upon the purchasers the same dues as are paid by the inhabitants already settlers on lands, which is entirely contrary to His Majesty's intentions, and to the clauses and conditions of the concessions by which they are merely permitted to concede lands subject to dues (à titre de redevances) whereby very great detriment is done to the new settlers, who find less land open to settlement in the places best adapted to commerce.

"For remedy hereof [sic] His Majesty, being in his council, has ordained and ordains that, within one year at the farthest from the day on which the present arret shall be published, the inhabitants of New France to whom His Majesty has granted lands in seigniorly, who have no domain cleared and who have no settlers on their grants shall be held to bring them into cultivation and to place settlers thereon; in default of which it is His Majesty's will that the said lands be re-united to his domain after the lapse of the said period, at the diligence of the Attorney General of the superior council of Quebec, and on the judgments (ordonnances) to be given in that behalf by the governor and lieutenant general of His Majesty, and the Intendant in the said country;

"And His Majesty ordains also, that all the seigneurs in the said country of New France do concede (ayent [sic] à concéder) to the habitans the lots of land which they may demand of them in their seigniories, subject to dues (à titre de redevances), and without exacting from them any sum of money as a

consideration for such concessions, otherwise and in default of their so doing, His Majesty permits the said habitans to demand the said lots of land from them by a formal summons, and in case of their refusal, to make application to the Governor and Lieutenant General and Intendant of the said country, whom His Majesty enjoins to concede to the said habitans the lands demanded by them in the said seigniories, for the same dues as are laid upon the other conceded lands in the said seigniors [sic], which dues shall be paid by the new settlers (nouveaux habitants) into the hands of the receiver of His Majesty's domain, in the City of Quebec, without its being in the power of the seigniors to claim from them any dues of any kind whatever."

Now nothing can be more clear than the intentions of this arret. There is nothing ambiguous in the language. Nothing doubtful about the jurisdiction or the mode of proceeding. There is no doubt about its being in force now. If there be any doubt at all concerning it, that doubt rests solely upon the amount and value of the accustomed rates. Once, however, ascertain[ed] what were the maximum rents paid at that time in the country, and there is no longer any doubt at all. There is a further point I may remark upon in connection with this arret. The words "les dites seigneuries," occur in it and some have attempted to make it appear that these words have only reference to special seigniories but I differ from them, and I think there is no doubt that they apply to all the seigniories of Canada. With respect to maximum rates of rent before the conquest, I have taken good care to satisfy myself on the point. I have already on this point appealed to history, the opinions of lawyers, and the Courts of justice before the conquest, who ought to be the best witnesses. I shall not refer at present to all the evidence which is to be found in the old volumes of Edicts et Ordonnances; but since the subject was last discussed we have obtained evidence of the maximum of rents such as, if impartially examined, must remove all doubt in relation to the legal consequences of the arret of Marly. This evidence which was procured in Paris by a gentleman, whose services have been very valuable to this country, in the collection of books and historical documents, is to be found in a correspondence between the French government, and the Governors and Intendants of Canada, with reference to a grant made to the Seminary of St. Sulpice, which was of a peculiar nature, the maximum rate of rent which they might charge to their censitaires being fixed in it.

Messrs. Beauharnois & Hocquart, the Governor and Intendant, in answer to a letter addressed to them by the minister of the day, requiring their opinion upon certain remonstrances made by the Abbé Couture, as to certain unusual clauses contained in the grant made to the Priests of St. Sulpice of the Seigniori of the Lake of Two Mountains, by the colonial authorities, say in allusion to the rents:--

"40. Nous ne savons point les raisons qui ont déterminé S.M. à fixer, dans le brevet de 1718 la profondeur des concessions à 40 arpe[n]ts, et la quotity [sic] des cens et rentes.

"On a cru se conformer à ses intentions en mettant seulement dans celles de 1733; aux cens, rentes et redevances accoutumées par arpent de terre de front sur 40 arpents de profondeur.

"L'observation sur la justice de l'équité de proportion[n]er les cens et redevances à la quotité de l'héritage qui se peut trouver meilleur dans un endroit que dans un autre, mérite considération; et il nous paraît que S.M. peut se contenter de faire insérer seulement dans le nouveau brevet à expédier, aux cens, rentes et redevances accoutumées par arpent de terre.

"Cette expression vague laissera la liberté au séminaire de condédé [sic] plus ou moins de profondeur, et à plus ou moins de cens et rentes, à proportion de l'étendue des héritages, et même de leur bonté. Et comme les usages sont différents dans presque toutes les seigneuries, le terme accoutumé restreint

seulement les ecclésiastiques à ne point concéder pour l'ordinaire moins de 20 arpents de profondeur, et de n'exiger de plus fortes que celle de vingt sols pour chaque 20 arpents en superficie, et un chapon ou l'équivalent en bien. A l'égard du cens, comme c'est une redevance fort modique, qui n'a été présumé établie que pour marquer la seigneurie directe, et qui emporte lods et ventes, la quotité en usage au Canada est depuis six deniers jusques à un sol par arpent de front sur toute la profondeur des concessions particulières, quelle que soit cette profondeur.

"L'exposé du mémoire, que les seigneurs en Canada ont la liberté comme partout ailleurs, de donner à cens et à rente telle quantité de terre et à telle charge que bon leur semble, n'est pas juste à l'égard des charges: la pratique constante étant de les concéder aux charges ci-dessus expliquées, et le plus souvent au-dessous. Si la liberté alléguée avait lieu, elle pourrait tourner en abus en faisant dégénérer des concessions qui doivent être quasi-gratuites, en de purs contrats de vente."

I have confined myself to a few quotations lest I might exhaust the patience of the House by entering into greater detail, but the references which I have made suffice to prove that the usual rents alluded to in the arret of Marly were well known within the colony, and that they were not allowed to exceed one sou for each superficial arpent and a half minot of wheat or a capon and one sou of cens for each arpent of frontage. This rate of rent, if calculated upon the maximum value of wheat, before the conquest, viz.: 3 livres tournois per minot would amount, for a farm of 90 arpents to the sum of 8s. 6d. If estimated at the average value since that period, six livres tournois, the rent upon a farm of the same extent would be about 12s. 7½d. currency, due allowance being made for the difference between the value of a livre tournois and the livre of our ancient currency. Taking into consideration the depreciation in the value of money which has taken place since the time of the conquest, and anxious to abolish the troublesome system of payments in kind, the committee appointed to report upon the Seignioral [sic] Tenure in 1851, thought that it would be proper and perfectly in accordance with the intentions of the arret to fix the maximum rate at 2l per arpent, equivalent to a rent of 15s. currency for every farm containing 90 superficial acres.¹⁹

MR. LAURIN said that is too much.²⁰

MR. AT. GEN. DRUMMOND continued. It is a liberal interpretation of the arret in so far as the seignior is concerned. It may be looked upon as [sic] a compromise but in matters of this kind the party interested must give up some portion of his pretensions, and under the provisions of the Bill now before the House, neither of the parties can sustain any material injury. The censitaire will be at once relieved from the payment of all rents exceeding that small sum, and if the Seignior can prove to the satisfaction of the commissioners or of the Court of Queen's Bench that he was legally entitled to receive a higher rate of rent he will be indemnified for the reduction. Honorable gentlemen must be well aware that the principal reason why it has become necessary to legislate in special reference to these rents is that although the authority of the Intendant [sic] has been transferred to the Superior Courts in Lower Canada, the powers formerly exercised by the Intendant jointly with the Governor have not been vested in these or in any other Court. But I am surprised that any Seigniors should talk of carrying this question to the highest Court of Colonial appeal in England, before the Privy Council. Before any such decision could be obtained it would be necessary to pass an act authorizing the Courts here to exercise all those powers which an evident oversight in our first general act of Judicature deprived them of. But let us pass such a law and what would be the consequence? I entertain not the smallest doubt that the first consequence would be a reduction of the high rents and the next the recovery by the censitaires from the Seigniors of all sums illegally received

by them during a period of thirty years beyond which the laws of prescription would protect them.

I am surprised, indeed, & I may well be so, that any Seignior should make objection to the bill before the House. But I believe, as I stated at the commencement of my remarks, that the great majority of the Seigniors are in favor of the bill, and are anxious that it should pass. And I can understand why some of them who have purchased unsettled seigniories for three or four thousand pounds, and would wish to hold in addition to the dominium directum, the dominium utile, of all the new lands, should oppose it--for if they are to be acknowledged as holding their wild lands free from the condition of settlement at a low rent, the value of the property so purchased will be increased tenfold. As one of the most important portions of the Bill is that which has reference to the exclusive right claimed by Seigniors over running streams, I have already expressed my opinion as to the state of law under the Custom of Paris in this particular. If we ascend to the origin of the right claimed by the Seignior to the ownership of streams, we shall find that it arose out of their judicial authority. This administration of justice by the Seigniors was divided into three kinds, the haute, moyenne, and basse justice. The Seignior who exercised the first of these, was called the haut justicier, and he had the power of inflicting death; the second took cognizance of certain misdemeanors, but he could not inflict death; and the last had merely jurisdiction in civil matters. The high Justicier exercised the power of deciding all cases of difficulty arising out of the use made of non-navigable rivers by the riparian proprietors and others, but in course of time he came to arrogate to himself the possession and use of them as a right of property.--This claim of the high Justicier to the property of streams, is disputed by some of the best authorities in France. Troplong, however, admits that the right of property in these streams was acknowledged by the Courts of Justice in France. His opinion on this subject is important, for the circumstances under which he wrote are precisely analogous to those existing in Canada; the conquest here having swept away those powers exercised by the Seignior of haute, moyenne, and basse justice, in the same way that the revolution had swept them away in France. Troplong says, that having lost the powers of justice, Seigniors ceased to have any right over the streams. Previous to the conquest many of the Seigniors were empowered to exercise high, medium, and low justice, in Canada, precisely in the same way that they were exercised in France. After having ceased to possess these powers, they ceased to have any right over the streams which, as Troplong says, was granted to the High Justiciars, and to that class of Seigniors to indemnify them for the expense of maintaining Courts of Justice within their domains. Nor is this a novel doctrine in Canada. In a case brought before the Court in Quebec many years ago, His Honor Mr. Justice Reid, a most upright and enlightened judge, said that a Seignior could claim no right over rivers after he had lost the powers of the haut justicier. But I am bound to say that this view has not been always held by the Courts of Lower Canada. About eighteen months ago His Honor Mr. Justice Day, in the case of Morris vs. Monk decided differently.²¹

MR. CARTIER.--The case was one of banalité.²²

MR. AT. GEN. DRUMMOND.--I admit that the question as to the right of property in non-navigable waters was not strictly speaking reversed in that case. But the consequence to be drawn from that decision is that the Seignior has the exclusive right of using the rivers in his censive for grist mills. With the additional remark that we had no edict, arret, or law of any kind either confirming or denying to Canadian Seigniors the exclusive use of streams, I pass to another branch of the subject which stands in close connexion with this--I allude to the droit de banalité, or the exclusive right of the Seignior to grind a portion of the grain grown within the limits of his fief. I have already observed that exclusive privileges of this description were not sanctioned in

France, under the Custom of Paris, unless specially stipulated. We have, however, a local law which extends this privilege to all Seigniors, but confines its exercise to the grain grown in the Seignior and intended for the use of the families residing there--thus leaving all the censitaires free, in my opinion, to build mills for the purpose of grinding all grain grown beyond the limits of the censive, and such part of the home produce as may be intended for exportation abroad or for sale in the home market.

It cannot have been intended by this law to prevent the building of Grist Mills by the censitaires; else why the limitation to the grain destined to the use of the families inhabiting the Seigniories? Where would the surplus produce be ground? I know that a different interpretation has been given to the law. For my part I entertain no doubt on the point. But if there be a doubt, it should, in accordance with the maxim of the Roman law be solved so as to liberate the censitaire from an oppressive privilege--In dubis libertati favendum est. Much light has been thrown over the subject of banality by the documents printed by order of this House, I could refer to one case amongst others, in which a censitaire who had built a mill in a Seignior, was obliged to pay back to the Seigniors the price of mulcture, not to demolish his mills. But if the right of the Seignior to demolish mills can be claimed, it must cease to exist, it must, in the interest of the Country at large, be effaced by statute. This bill does not profess to be a declaratory law. It differs entirely in this respect from the measure that was before the House at Toronto. The Bill now before the House does not declare what the law is or what it has been. It merely declares what the law shall be in future--I have sedulously avoided in its wording everything that could lead to a collision, or a conflict of opinion between the Legislature and the Courts of the Country. It has for [an] object on the one hand, as a measure of policy deeply affecting the prosperity of the Country, to remove the evils of a Tenure which impedes its progress and on the other to indemnify all persons whose private interests may be impaired by the proposed reform.

Another respect in which this bill differs from that which was before the House at Toronto, is, that it provides, that all future concessions shall be commuted into franc aleu roturier, and it is but just to say that this important amendment is owing to a suggestion of the hon. member for Verchères (Mr. Cartier). I should be wanting in gratitude to that hon. member if I had failed to make this acknowledgement. I think it is important that we should be able to get rid of the Seigniorial tenure in all future concessions without injury to the Seignior and without loss to the public revenue. I propose to fill up the blank in this clause of the bill, with 3d. or 4d. per acre, for I wish to give the Seignior a full equivalent, for his dues under the old law; Nay, more, for under that law, if rigidly enforced, he would have had to pay the penalty of confiscation for having neglected to place settlers on these lands. Much outcry has been made to the proposition of giving power to circuit judges, without appeal, to force concessions. But I think these objections are raised very unreasonably. If we do not give this power to the circuit judges, we may as well not give it to any tribunal, for the poor settler cannot afford to go into a higher Court to contend with a Seignior. As to appeal, I can see no necessity for that. The case is a very simple one, and under the Intendant the mode of proceeding was strictly summary. If the principle of the bill is bad reject it altogether, but if good, facilitate its operation. I conceive that this is the proper ground to take. In the next clause provision is made to give the Seigniors the power of suing, in one action any number of concessionnaires [*sic*] who may have failed in fulfilling their contracts.

We propose to give this privilege to the Seigniors, because it would be too expensive to bring an action in every case, and because under the present law, the judges have decided that a number of persons cannot be sued together. Yet

some Seigniors are not satisfied to receive this, they wish to enforce all the old laws of the kings of France, against the censitaires, while they themselves claim exemption from the same laws. "They say you will give the censitaire the right of getting possession of my property by an action before the circuit judge, but you will not give me the right of getting back my property unless I go into the Superior Court." I deny that this is your property in the sense that you claim it; you have only the dominium directum. And the man who claims a lot of land for the purpose of settlement has from the moment that claim is made a right under the law and a more valuable right in the soil than you have, for he alone can use it. And there is another unanswerable reason why these actions should not be brought in the ... Superior Court. There is another class whose interests must not be forgotten. I allude to the Creditor of the sub-grantee. The censitaire may have mortgaged the land which you seek to reunite to your domain, it may become necessary to sell that land and divide its proceeds amongst his Creditors, and the Circuit Court possess no machinery to affect this important object. The next discussion of the Bill has reference to non navigable waters.--It provides that no Seigniors shall in future enjoy the power of using any portion of them which may flow through lands granted to his censitaires. The only question to be discussed here is whether, when our Country is filled with any industrious, intelligent and most ingenious population, they shall continue to be deprived of the countless advantages they might derive from the magnificent water powers which abound on our stream, if they could use them for manufacturing purposes. The hon. Member for Kent, after travelling two hundred miles through Seigniorial Country, has occasion to deplore the inactivity and "lamentable" content which he remarked amongst the dense population of the North Shore--and with that tendency which characterizes his mind he leaped at once to the conclusion that this inactivity, this lamentable content should be attributed to the influence of the Religion professed by our worthy habitants. To ascertain the cause of that inactivity to which the Canadian habitant is doomed during our long winters, not from any constitutional tendency to indolence, but from the absence of those manufactures which would supply him with useful and remunerative employment, even when the soil upon which he lives is covered with snow, were he allowed to avail myself [sic] of these resources which nature has placed within his reach:--to ascertain that cause I say the hon. member for Kent instead of looking beyond this world should have stooped [sic] to consider the tenure under which the habitant holds his lands and then he would have found a much more satisfactory solution of the inquiry. But this reform, necessary & unjust as it is, must not be effected at the expense of the Seignior. If he can prove that these streams belong to him and to him alone, the fund provided by this Bill will be amply sufficient to remunerate him: and if dissatisfied with the decision of the Commissioners he may appeal to the Court of Queen's Bench. I come now to the honorary rights. No Seignior requires these now. They belong to a state of society wholly different from that in which we live. They are not adapted to this age and country. It is proposed to do away with them, without indemnity, where they are strictly of an honorary description [sic] and involve no beneficial interest. With respect to the question of commutation, I say that I will never be a party to a measure which shall render immediate commutation compulsory on the habitants²³.

Hear, hear, from the french members.²⁴

MR. AT. GEN. DRUMMOND [continued:] I wish to do impartial justice to both the Seignior and the censitaires; but I believe that a system of forced commutation would be the ruin of hundreds if not thousands of families. A distinguished judge said some four or five years ago, that if a habitant was sued for £25 he was a ruined man. I believe that that opinion was correct at the time when it

was expressed and although the agricultural population is now in a much more prosperous condition, numberless cases of extreme hardship must occur if you make every censitaire in the county [*sic*], liable to pay at once to the Seignior from £15 to £50. I am therefore of opinion that no measure can prove successful that will not leave it optional to the censitaire to commute or not as he may think proper. Such is the principle embodied in that important portion of the Bill which has reference to a change of Tenure. But one of its provisions empowers two thirds of the inhabitants of a Seignior to make commutation compulsory upon the whole by converting the commutation money "payable on each farm into a redeemable ground rent or rente constituée."

The Attorney General here said that he would propose certain amendments in committee which the Reporter understood as tending to give some additional advantages to the Seignior upon the redemption of lods et ventes and to afford greater facilities for and inducement to general commutation. As to the indemnity, I think I can satisfy hon. gentlemen that the fund proposed is amply sufficient. The receipts from auctioneer's licenses amounts to about £6000, while the revenue of the Seignior of Lauzon is upwards of £3000 and will soon be worth much more. It is proposed to indemnify the Seigniors from those revenues because they are local, and in order to give something like an equivalent, it is proposed to apply similar revenues to municipal purposes in Upper Canada. I will here close my remarks, but I cannot resume my seat without apologizing to the House for having trespassed so long upon its patience.²⁵

Some other members followed Mr. Drummond but brought out nothing further new²⁶.

MR. VIGER s'élève avec beaucoup de force contre les dispositions du bill. Dans le cours de la discussion, il dit qu'il parle comme seigneur, et que s'il est commis des exactions de la part des seigneurs, ce n'est que depuis quelques années que les censitaires ont réclamé contre.²⁷

MR. TURCOTTE dit qu'il ne se serait pas hâté de donner son opinion sur l'importante mesure soumise à la délibération de la chambre sans la déclaration que vient de faire son honorable voisin de gauche (M. Viger). Cet honorable député vient de se déclarer le représentant des seigneurs; et lui M.T. devait féliciter de suite le comté de Leinster d'être ainsi formé d'électeurs seigneurs, et d'avoir élu une personne si digne et aussi désireuse de représenter dans cette chambre les intérêts exclusifs des seigneurs, que l'est l'honorable membre qui vient de s'asseoir. Les électeurs de Leinster sans aucun doute auront occasion de l'en remercier et [*sic*] temps et lieu.

Il M.T. ne désirait pas entrer dans de longs détails sur l'origine des droits seigneuriaux, origine qui semblait se perdre dans la nuit des siècles passés; mais il croit, d'après ce qui paraît être le mieux établi par les auteurs qui ont traité cette question que les censives et autres droits appelés depuis seigneuriaux ont pris naissance avant les seigneuries elles-mêmes.

La liberté dont jouissait les anciens Francs ne les empêchaient pas d'être tenu de payer certaines contributions ordonnées par le roi, pour subvenir à l'entretien des commissaires royaux, des comtes et barons chargés par lui d'administrer la justice dans les provinces. Ces contributions se payaient d'abord en produits agricoles, et il existe à cet égard un curieux tarif fait et promulgué par Charlemagne, et rapporté par Chartereau Lefebvre. Bientôt, pour prélever avec plus de facilité ces contributions, l'on convint généralement de les évaluer et de les réduire en une somme fixe pour une année, et cette somme était répartie sur chaque arpent d'héritage de la province; quelques-uns des produits formaient [*sic*] la contribution, tels que les poules, les chapons et le bled continuèrent à être payés en nature. Cette contribution devint par la suite une charge ou redevance annuelle; et telle est, suivant un grand

nombre d'auteurs, l'origine des censives et autres droits seigneuriaux. Il est bon de remarquer ici que les commissaires, comtes ou autres officiers, administrant les provinces comme l'on vient de le voir, n'étaient nommés aux fonctions qu'ils exerçaient que pour une année, et n'avaient aucuns titres quelconques aux contributions, si ce n'est l'exercice de leurs fonctions administratives et judiciaires. Avec le temps, la durée de ces fonctions se prolongea, et pas à pas les comtes réus[s]irent à les rendre héréditaires [sic] dans leurs familles, et les droits de censive, devenus depuis longtemps une charge foncière annulé [sic], commencèrent à passer de plein droit à l'héritier auquel avaient passé les fonctions. Puis on alla même jusqu'à s'arroger le droit non seulement de transmettre à son héritier les comtés, les duchés et les baronies [sic], mais aussi celui d'en disposer à volonté. Des rois faibles laissèrent subsister cet état de chose, lui donnèrent même une existence légale, en imposant une espèce d'amende ou de droit de mutation appelé le quint, le relief, etc., etc. Ce fut alors que pour se libérer d'une partie de leurs fonctions, les ducs et les comtes commeacèrent [sic] à distribuer à leurs capitaines ou autres officiers, parties de leurs duchés ou comtés, parties que l'on appelle seigneuries.

Les censives tant en deniers qu'en produits prélevés dans les parcelles ainsi données y demeurèrent attachés comme un droit réel et solide. Telle est l'origine des droits appelés seigneuriaux, qui avaient retenu dans plusieurs provinces de France le nom de droit de coutume, parce qu'il n'y avait aucun autre titre ou droit pour les prélever, que la coutume.

Sous un pareil état de choses, il est facile de concevoir que la faiblesse des rois ait permis à la puissance des ducs, des comtes, des barons et des seigneurs, d'introduire dans la coutume les exactions sans nombre et les droits exorbitants [sic] qu'ils firent entrer; et l'on sait jusqu'à quels excès les choses ont été portées, comment elles ont été modifiées en France, et comment elles y ont finies.

Comment le savant avocat entendu à la barre de cette chambre, avait pu trouver dans cette origine des droits seigneuriaux et même dans l'abus de ces droits, que les seigneurs étaient ou aient jamais été, en France, propriétaires incommutables du sol de leurs seigneuries, c'est ce que lui M.T. ne peut comprendre? Ils ne l'ont jamais été en France et encore moins l'ont-ils été ou le sont-ils en Canada.

Les terres données par les rois de France soit aux compagnies soit aux individus ont pu avoir été pour la plus part données comme l'a prétendu le savant avocat en toute propriété en fiefs, sans qu'il s'en suive pour cela que les seigneurs auxquelles [sic] elles étaient ainsi données fussent propriétaires incommutables du sol, car le don d'une terre en fief n'est autre chose, dit M. Guyot que "la concession du domaine utile d'une chose faite au vassal avec réserve de la propriété au seigneur dominant;" "d'où il s'en suit que le vassal ne saurait se dire proprement propriétaire de la chose féodale, mais seulement quasi dominus."

L'on savait sans doute à quoi s'en tenir en France à cet égard lorsque les différentes concessions de fiefs en ce pays ont eu lieu et il était aussi parfaitement compris que l'objet de toutes ces concessions était l'établissement des colons dans le pays, et la conversion au christianisme des sauvages qui l'habitaient. Ce désir d'établissement est spécialement exprimé dans les concessions faites aux diverses compagnies; et le désir d'un roi de France d'alors, ainsi exprimé, était une loi pour le concessionnaire; l'une des principales raisons données dans les actes de suppression de ces compagnies est celle de n'avoir pas établi les terres à elles concédées dans un but d'établissement.

Mais s'il était bien entendu que les seigneurs n'étaient pas propriétaires incommutables du sol, qu'ils n'avaient obtenu des concessions de fiefs qu'à la charge formellement [sic] exprimée ou tacitement impliquée et comprise par

eux, de les octroyer à certaines charges et redevances à des censitaires, dans le but d'établir le pays, ces charges et redevances devaient être nécessairement limitées; sans cela, les seigneurs eussent pu facilement garder par devers eux leurs seigneuries en refusant de concéder si ce n'est qu'à des taux de redevances si élevés que personne n'eut voulu se charger de les leur payer.

Non, il est clair, il est indéniable que les propriétaires de fiefs étaient teuns [sic] de concéder, à des taux de redevances qui, s'ils n'étaient pas parfaitement uniformes, ne dépassaient pas néanmoins une certaine limite bien connue de tous les intéressés; et lorsque quelques-uns d'entr'eux ont essayé le refus de concéder ou l'augmentation des redevances, les autorités d'alors les ont invariablement ramenés aux anciennes obligations de concéder aux taux ordinaires, c'est-à-dire à la coutume; et l'usage et la coutume étaient la loi, lorsque la loi elle-même était muette sur un grand nombre [sic] de questions importantes. L'édit de juillet 1711, les arrêts et jugement de 1713 et ceux jusqu'à la cession du pays ont définitivement réglé les prétentions respectives des seigneurs et des censitaires, sur ces points importants s'ils n'étaient pas parfaitement compris auparavant, en obligeant les seigneurs à concéder aux taux accoutumés ou ordinaires. Or, puisque ces taux n'avaient eu [sic] aucun cas, même exceptionnel, dépassé deux sous par arpent en superficie bien certainement que les taux ordinaires étaient de 2 sous ou de moins de deux sous par arpent, et que par conséquent les seigneurs ne pouvaient pas alors et n'ont pas pu depuis dépasser légalement le taux de deux sous qui était le maximum des rentes lors de l'édit de 1711.

Mais, il a été dit que de fait depuis la cession du pays, les seigneurs ou insensiblement et toujours augmenté le taux des rentes et redevances seigneuriales, au sçu [sic] et vu de la législature du pays, et avec la sanction des tribunaux judiciaires qui les ont maintenus dans le droit d'exiger de leurs censitaires ces rentes et redevances plus élevées que ... les anciennes; et l'honorable membre pour le comté de Leinster (M. Viger) a été jusqu'à dire que jamais les corps législatifs du Bas-Canada n'avaient réclamé contre les abus introduits par les seigneurs et dont on se plaint si fort aujourd'hui. Il est peut-être vrai de dire que la jurisprudence établie depuis un certain nombre d'années par les tribunaux a maintenu les seigneurs dans leurs prétentions, mais il est faux de dire que l'un des corps législatifs du moins, celui qui n'était pas presque exclusivement composé de seigneurs, la chambre d'assemblée du Bas-Canada ait sanctionné par son silence les empiétations des seigneurs; et personne ne sait mieux que l'honorable représentant de Leinster lui-même, que, en 1821 un comité présidé par l'un des plus habiles jurisconsultes et des hommes les plus éclairés dont pouvait à juste titre s'enorgueillir le Bas-Canada, feu Andrew Stuart, fit à la chambre d'assemblée un rapport, dans lequel est constaté quel était alors le taux légal auquel [sic] les seigneurs étaient tenus de concéder, et ce taux n'était autre que les anciens taux ordinaires.

L'honorable représentant de Leinster doit aussi se souvenir sans doute qu'en 1823 la chambre d'assemblée passa un bill déclarant les anciennes [sic] lois en pleine vigueur et pourvoyant à la manière de les mettre à effet. Ce bill, perdu dans le conseil législatif d'alors, fut passé de nouveau par la chambre en 1825 et fut encore perdu dans le conseil. Depuis la chambre d'assemblée convaincue qu'il lui était inutile de passer un pareil bill pour le soumettre à un conseil législatif décidé à le rejeter comme toujours, se contenta de se prononcer en faveur des censitaires par plusieurs rapports de comités adoptés par elle en 1831-32, en 1835-36; et durant cette dernière session elle passa presque à l'unanimité une résolution protestant énergiquement contre les empiétations des seigneurs; puis encore, durant la session de 1836, elle adopta quatre résolutions proposées par celui qui remplit aujourd'hui si dignement la charge de secrétaire provincial, et dans lesquelles l'on déclarait être en force les anciennes lois de la province obligeant les seigneurs à concéder aux droits et redevances accoutumés.

Cette opinion de l'assemblée législative du Bas-Canada, si souvent manifestée par elle, était aussi celle de presque tous les jurisconsultes éminents de la province qui l'ont exprimée à différentes époques; et cette opinion ainsi et de plus manifestée par plusieurs des officiers en loi de la Couronne en différents temps, aurait dû mettre sur leurs gardes ceux qui sont devenus, à diverses époques, acquéreurs de seigneuries. Et ceci détruit presque entièrement le raisonnement de ceux qui prétendent qu'il serait injuste d'ôter aux seigneurs des droits et des redevances sur lesquels ils ont dû baser leurs espérances de revenus avant de devenir acquéreurs de seigneuries; car si d'un côté ils avaient en faveur de leurs calculs une certaine jurisprudence moderne établie par les tribunaux judiciaires, d'un autre côté ils avaient contre ces calculs de revenus la lettre de la loi, la jurisprudence ancienne du pays, l'opinion des premiers jurisconsultes et celle de l'assemblée législative de la province. Mais supposé même qu'ils aient ou puissent avoir des droits acquis, est-ce que le bill de l'honorable procureur-général ne pourvoit pas à les indemniser pour tous les droits qu'ils peuvent avoir et qu'ils perdront?

Cependant, on pourrait, s'il y avait de trop grands obstacles à cette indemnité, mettre la question sur une plus large base, sur celle sur laquelle elle doit être placée comme question sociale; et dès lors il faudrait cesser de la traiter comme on l'a fait jusqu'ici, en avocats qui plaident une cause, ou en juges d'un tribunal ordinaire qui l'entendent et la décident, et se mettre à la hauteur d'hommes publics et de législateurs qui traitent des intérêts de la société toute entière, et en viennent à la seule solution raisonnable à laquelle il leur soit permis d'arriver, celle d'empêcher par l'action législative le bouleversement et la ruine de cette société, au risque de froisser ou même d'anéantir sans compensation aucune les intérêts et les droits acquis d'un nombre quelconque des individus qui se trouvent épars dans le corps social et sur le chemin de la réforme.

Et certes pour prendre et justifier une pareille position, on pourrait s'appuyer de grands exemples pris dans l'histoire de la législation anglaise elle-même. Qui ne connaît pas les intérêts immenses qu'il y avait d'engagés en Angleterre dans le commerce des esclaves.²⁸

DR. LATERRIERE: Oui, l'Angleterre a aboli l'esclavage, mais elle a indemnisé les propriétaires d'esclaves.²⁹

MR. TURCOTTE répond: L'honorable membre se trompe, il ne s'agit pas de l'abolition de l'esclavage, qui a eu lieu en 1833, mais bien de l'abolition du commerce des esclaves qui a eu lieu en 1807. Il y avait plus de 300 vaisseaux et une douzaine de mille hommes d'engagés dans ce commerce; les cités de Bristol et de Liverpool s'y trouvaient à elles seules intéressées pour un montant d'au-delà d'un demi-million de liv. sterg. Ce commerce existait depuis plus de deux siècles, avec la sanction, sinon l'encouragement du gouvernement et de la législature impériale. Seulement de temps à autres, d'énergiques protestations se faisaient entendre et étaient adressées à la législature contre ce trafic inhumain. La chambre des communes s'occupa en différents temps, pendant plusieurs années, de cette grave question, mais sans aucun résultat important. En 1791, néanmoins, une motion de M. Wilberforce, tendant à déclarer que la traite des esclaves serait abolie, ne fut perdue dans la chambre des communes que par une ou deux voix.

Il est facile de s'imaginer que tout fut mis en jeu par les intéressés contre le projet d'abolir ce commerce; c'était, disait-on, froisser et détruire des intérêts et des droits acquis, c'était la perte de capitaux immenses, la ruine complète de tous ceux qui s'y trouvaient engagés; l'on invoquait la sanction du gouvernement et du parlement impérial donnée au commerce dans lequel l'on s'était engagé sous la foi de cette sanction, et mille raisons infiniment plus fortes que celles qu'invoquent aujourd'hui les seigneurs; et néanmoins après avoir entendu toutes ces raisons, et en les combattant en homme d'état, M.

Wilberforce eut occasion de dire:

"For my own part, I confess that considering the miseries this trade entailed on Africa, my liberty of choice is taken from me, and I must, at all events, determine for the abolition." Plus tard, en 1807, malgré de bien puissantes et peut-être de bien justes réclamations et de bien fortes récriminations, la traite des esclaves fut abolie par le parlement impérial, sans compensation aucune en faveur des intéressés.

Quel homme public, quel législateur oserait blâmer cet acte de législation?³⁰

Une voix, celle d'un seigneur: "Mais les censitaires ne sont pas des esclaves."³¹

MR. TURCOTTE [répond:] Non, les censitaires ne sont pas des esclaves, mais s'il fallait apprécier, au point de vue morale, les relations de censitaires à seigneurs, on trouverait peut-être que l'acte humiliant de passer souvent par la cuisine de M. le seigneur pour lui faire parvenir une redevance quelconque, un bouquet par exemple, n'est pas de nature à faire disparaître du caractère de Jean-Baptiste ce qui le retient en arrière, ce qui l'empêche d'être aussi forward que bien d'autres peuples.

L'acte impérial de 1833, abolissant l'esclavage dans les Indes-Occidentales, est encore l'un de ces actes par lesquels les droits acquis n'ont pas été sauvegardés, et l'indemnité de vingt millions payée par l'Angleterre n'a certainement pas indemnisé les intéressés de toutes les pertes qu'ils ont supporté en conséquence de cet acte.

Et qu'a été la législation anglaise relativement aux céréales? Prétendrait-on que les propriétaires et acquéreurs de biens-fonds ruraux n'ont pas souffert des pertes en conséquence de cette législation?

Mais supposé que mettant de côté toutes les raisons en faveur de la mesure dont il s'agit, la législature la rejette, croit-on que les choses en resteront là?

Qui donc peut avoir oublié les scènes de résistance à la loi et de désordres qui ont eu lieu dans l'Etat de New-York à propos de droits seigneuriaux? et qui nous dit que des résistances sur une beaucoup plus vaste échelle n'auraient pas lieu en cette province? Et alors, quoiqu'il soit peut-être vrai de dire que l'on viendrait à bout de rétablir l'ordre et la soumission à la loi, quelles désastreuses conséquences n'auraient-elles pas sur notre crédit, et par contre-coup sur la confection et le succès des grands ouvrages provinciaux et particuliers que nous [sic] aurons entrepris et que nous avons à faire?

Non; les seigneurs comprendront, et plusieurs comprennent déjà, que la mesure soumise à cette chambre par l'honorable procureur-général est bien loin d'être une mesure de spoliation, mais bien un acte législatif impérieusement voulu par une société tout entière, nécessaire pour empêcher que plus tard, que bientôt peut-être, l'ordre social ne soit mis en danger, et qui respecte aussi scrupuleusement que possible les droits qui peuvent être légitimement acquis aux seigneurs, en même temps qu'il ferme toute issue et ôte tout aliment à cet espèce de volcan social qui prenait des proportions de plus en plus alarmantes et qui aurait pu quelque jour peut-être faire disparaître non-seulement les droits seigneuriaux, mais les seigneurs aussi.

Quant aux détails du bill, ils seront soumis au comité général de cette chambre, et ce sera alors le temps d'en discuter le mérite ou le démérite.³²

DR. LATERRIERE dit: M. L'orateur,--Je déclare qu'il n'y a personne, je crois, dans cette chambre, qui désire plus sincèrement que moi la solution de cette question; mais ce n'est pas tout de désirer et de définir les droits seigneuriaux comme l'a fait M. le procureur-général, c'est de le faire équitablement: c'est aussi de pourvoir aux moyens d'abolir cette tenure sans froisser violemment des droits acquis.

Ce n'est pas seulement d'après le brillant et intéressant discours du géant et savant procureur-général que cette chambre doit juger, mais d'après les lois

qui règlent cette tenure.

Les dispositions du bill maintenant sous considération me paraissent en contradiction à la réponse que nous avons faite à un des paragraphes du discours du gouverneur-général à l'ouverture de la session, dispositions bien différentes de celles que comportait le bill déclaratoire de l'année dernière:

"Qu'en traitant un sujet aussi délicat, cette chambre le fera avec un respect scrupuleux pour les droits de propriétés acquis et exercés de bonne foi avec la sanction tacite ou expresse des tribunaux de la province."

Je vois d'un côté peu de seigneurs, de l'autre côté un grand nombre de censitaires. Si le jugement de ce procès, sans exemple en Canada, est laissé à la décision de ces derniers--sans être sorcier, il est aisé de prévoir comment il sera [sic] décidé.

D'après le principe de justice invariable, "que personne ne peut être juge impartial dans sa propre cause," ne devrait-on pas récuser ici, comme cela se fait dans d'autres tribunaux, ceux qui sont intéressés à la décision de cette grande question, et en laisser la solution aux membres en dehors de l'intérêt directe qu'elle comporte? Si M. le procureur-général partage ma suggestion, qu'il propose une résolution à cet effet et je la seconderai avec plaisir.

Ecoutez! écoutez! (dérisoirement) écoutez!!!

Je m'attendais à cette approbation!!! Eh bien! j'ai là le titre du bill, son préambule et les clauses subséquentes. C'est une curieuse définition des droits seigneuriaux que nous donne M. le procureur-général; c'est sans doute une erreur d'impression! car je n'ai pu y trouver cette définition telle que l'entendait l'année dernière le comité que présidait ce monsieur.

Encore une année de retardement, et M. le procureur-général résoudra "ce problème," qu'il n'y a point de droits acquis; qu'il n'y a jamais eu de régime seigneurial en Canada tel que ça été compris jusqu'à présent.

Non, il faut en venir à penser que M. le procureur-général, ne voulant point ou ne pouvant point définir ces droits tels qu'ils ont été entendus, a voulu tout simplement vouloir en finir, et a ainsi tranché le noeud gordien.

La 2e clause comporte que, dans le cas que les seigneurs refuseraient de concéder leurs terres, etc., etc.; cette clause, d'une expédience admirable, autorise la cour suprême du Bas-Canada, les juges de circuit d'exercer leur autorité, de juger ces cas: mais ce qu'il y a de remarquable, "en ayant toujours égard aux extensions, restrictions (mentales, je suppose,) et modifications apportées à telles juridictions, pouvoirs et autorités par le présent acte." Voilà la définition très-clair[e] que nous donne le procureur-général des droits seigneuriaux existants, définis par extensions, restrictions et modifications, laissés, bien entendu, à la sagesse ou aux caprices de messieurs les juges.

Quant je vois des Canadiens-français se prêter, baiser les mains de ceux qui, sous le prétexte du bien public, désirent bouleverser, faire disparaître notre organisation sociale, je ne peux que déplorer un tel aveuglement.

Le mal, je le déplore, origine des exactions, des abus de toutes espèces qui se sont glissés dans la tenure seigneuriale. Il est grandement temps que ces abus disparaissent, et j'irai à ce sujet aussi loin qu'aucun membre dans cette chambre, en supportant un acte déclaratoire propre à réprimer et à faire disparaître tous ces abus.

Néanmoins, un bon acte de commutation qui mettrait fin à la tenure seigneuriale serait certainement préférable et pour les censitaires et pour les seigneurs; mais les habitants généralement n'ont point d'argent pour parvenir promptement à ce changement. Il faudrait dans ce cas que la province ou l'Angleterre leur viendraient en aide d'un ou de deux millions, comme cette dernière a fait pour faire disparaître l'esclavage des nègres en dépensant 20 millions.

Mais d'un autre côté, est-ce que la tenure en franc et commun socage n'est point une entrave beaucoup plus grande pour la colonisation d'un nouveau pays

que la tenure seigneuriale, si elle était modifiée?

Voyez ce que se vendent les terres dans les townships; voyez à quelles conditions; voyez les réserves criantes que comportent tous ces contrats, et comparez.

Si néanmoins vous criez contre ces abus, l'on vous dit: "Taisez-vous!" c'est la part du lion; ces propriétés, ces droits sont sacrés.

Je me permettrai maintenant de faire quelques observations sur les dispositions générales de ce bill: les 5e et 6e clauses ne définissent rien pour le passé, mais disposent d'un mode de concession pour l'avenir en franc alev. Je n'ai point d'objection à ce mode.

J'objecte à la 10e clause, à moins d'y apporter un amendement; autrement tout seigneur serait poursuivable par le premier homme de paille, s'il refusait de lui concéder une terre sans garantie pour la redevance annuelle de telle concession et des dommages que pourrait causer tel concessionnaire en abandonnant tel lot de terre, après y avoir coupé, vendu ou fait couper et enlever le bois sans avoir défriché et mis en culture tel lot de terre.

Réunion au domaine: pas moins de 13 clauses pour disposer de la réunion des terres abandonnées au domaine. Est-ce qu'il ne serait pas plus simple de déclarer que tout concessionnaire qui n'aurait pas rempli les conditions de son contrat de concession en mettant en valeur la terre à lui concédée, serait, à défaut, de plein droit déchu de sa possession.

Moulins, pouvoirs d'eau et banalité: cette 29e clause fait disparaître des privilèges qui ont été maintenus dans tous les cas par les cours de justice, et serait, sans le proviso que je proposerai, la confiscation indirecte de la banalité, que l'on reconnaît néanmoins, mais dérisoirement en la 31e clause.

Je ne tiens nullement aux pouvoirs d'eau. Je ne suis point contre le privilège que la 29e clause donne à tout propriétaire qui a le domaine utile d'aucune terre d'y bâtir des moulins et autres usines; mais je voudrais que le seigneur qui est poursuivable par la 32e clause à tenir ses moulins en bon ordre, serait également protégé dans la jouissance pleine et entière d'un droit que la loi lui reconnaît.

Commutation des fonds tenus en roture: Je ne sais pas exactement combien il y a de seigneuries dans la province; mais ce que je n'hésite pas à dire, c'est que trois commissaires chargés de faire un tableau en triplicata de tous les fonds tenus en roture dans chaque seigneurie, indiquant le prix auquel les droits seigneuriaux dont chacun des dits fonds est grevé et pourront être rachetés, me paraît une oeuvre qui prendra un temps infini, avant que la commutation puisse s'effectuer.

Ce sera un immense, curieux et dispendieux travail, s'il faut en juger par ce qui a coûté la commission des pertes éprouvées en 1837, s'élevant à plus de £13,000. Quel sera donc le montant de cette nouvelle commission, y compris, greffiers, huissiers, avocats, et tous les maux processifs imaginables qui sortiront de cette nouvelle boîte de Pandore? A ce compte-là, j'aimerais mieux être commissaire que pauvre seigneur, et je pense que je ne suis point le seul qui pourrait envier cette seigneurie.

Mais le plus ingénieusement imaginé pour tranquilliser nos amis du Haut-Canada, qui n'entendent point payer et contribuer à cette oeuvre de régénération du Bas-Canada. Sachez que ces belles dépenses qui ne seront point, je crois, au-dessous de cent mille livres, seront payées des dépouilles provenant du morcellement de chaque seigneurie sous forme de quint, reliefs et autres droits qui écherront à la couronne; des revenus de la seigneurie de Lauzon, et des deniers provenant des licences et droits d'encan dans le Bas-Canada.

Tout cela se fera avec un respect scrupuleux pour les droits acquis exercés de bonne foi avec la sanction tacite ou expresse des tribunaux de la province.

Le 3e paragraphe de la 48e clause règle le rachat du droit de banalité.

La suppression de la banalité ne peut être équitablement proclamé[e] qu'en autant que tous les habitants d'une seigneurie, tenus à faire moudre leur grain

au moulin banal, seront tenus sans exception de se libérer par rachat de cette obligation. Autrement, prétendre rendre justice de la valeur de la chose, de pouvoir constater du peu ou du point de diminution que les moulins éprouveront dans leur produit annuel par suppression du droit de banalité, serait une opération de calcul en dehors de toute règle possible, dont le résultat serait l'anéantissement sans compensation d'un droit incontestable.

La valeur des droits casuels n'entrerait en ligne de compte comme compensation, pour l'extinction de ces droits, que pour le revenu d'une année sur dix années antérieures à l'évaluation et ce capital serait réparti sur les fonds à raison de leur valeur.

L'honorable procureur-général n'a point trouvé cette règle de disproportion criante dans les décrets de l'abolition féodale en France par l'assemblée nationale en 1789, et ratifiés en 1790.

Je lui signale ce précédent: il aurait vu qu'en France, pendant l'exaspération de la plus sanglante révolution, l'on a cru même devoir à cet époque respecter là le droit de propriété autrement que l'on voudrait le faire en Canada.

J'ai lu ces décrets, après quoi j'ai dit: Ce sont les principes d'équité contenus dans ces décrets, leur simplicité d'action que l'on pourrait adopter avec des modifications. Ce sont ces principes, dis-je, que j'invoque dans le moment actuel.

Le mode de procéder à ce sujet, que nous propose M. le procureur-général, pour faire l'évaluation d'une année commune des lods et ventes sur les dix années antérieures à l'évaluation, nécessiterait de[s] recherches et des dépenses extraordinaires. Il faudrait faire des fouilles dans tous les greffes des notaires, vivants et morts. Et avec tous ces documents, si difficiles à réunir, les commissaires [sic] ne pourraient faire, dans le plus grand nombre de cas, qu'une estimation peu correcte.

Je ne parlerai pas de la pénalité pourvue en la 50 clause [sic] pour non comparution devant les commissaires, ou faute de répondre à toute question légale, ou d'apporter tout livre, cahier, plan, papier, etc., etc.: ce ne serait pas moins de l'emprisonnement dans la prison commune du district pour un espace de temps qui n'excéderait pas un mois de calendrier.

L'honorable procureur-général qui a rédigé cette mesure, a fait un immense travail, lequel, à l'exception des dispositions contraires [sic] aux principes adoptés en France sur le même sujet, devrait être adopté avec des amendements par ceux qui, comme moi, veulent équitablement l'abolition de la tenure seigneuriale en Canada.

Ce qui a satisfait le peuple français, poussé à bout par le régime féodale [sic] et la tyrannie de ses grands seigneurs, devrait, ce me semble, convenir aux habitants canadiens qui n'ont point à se plaindre de la centième partie des abus qui existaient alors en France.

Quant aux clauses subséquentes de ce bill, qui sont essentiellement du domaine du légiste et du procureur machinistes, je n'en dirai absolument rien; si ce n'est que je pense qu'il serait beaucoup plus simples [sic] pour celui qui voudra racheter ses obligations seigneuriales, de prendre des arrangements avec son seigneur; employer des experts pour faire l'estimation de la valeur; de payer le seigneur ou l'agent dont relève la terre, plus facilement que ne serait de faire intervenir entre les parties intéressées le receveur-général et les cours de justice.

Indemnité aux seigneurs: Les seigneurs extortionnaires par cette 73e clause, cause de l'agitation contre la tenure seigneuriale, qui ont compromis cette tenure par des exactions, par des prétentions injustes, nous dit cette clause, seront les seuls indemnisés des restrictions et retranchements auxquels ils seront obligés de se soumettre pour se conformer à cet acte. Et les seigneurs contre lesquels on ne peut formuler aucune plainte, seront obligés de payer cette indemnité.

Grande et sublime justice!!!

Je crois, en conclusion, que M. le procureur-général ferait mieux de référer ce bill à un comité spécial; là, des modifications pourraient être proposées avec calme et rapportées, sans faire perdre un temps précieux à toute la représentation.³³

MR. COM. PUB. WORKS CHABOT a déjà exprimé plusieurs fois son opinion sur l'importante question sous la considération de la chambre et cette opinion est bien connue. Il croit que le bill aura pour effet de mettre fin à l'agitation de cette question brûlante, et c'est pour cette raison qu'il l'appuiera. Il est prêt à accepter cette mesure comme compromis entre les seigneurs et les censitaires. Sans cela, il s'opposerait à quelques détails du bill et notamment à la fixation du taux des cens et rentes à quatre sous. Son opinion est que les seigneurs n'ont droit qu'à deux sols, et ce n'est que par forme de compromis qu'il consent à celà. Il combat la proposition que les seigneurs étaient propriétaires absolus du sol de leurs seigneuries, ainsi que l'a prétendu l'avocat des seigneurs, entendu à la barre de la chambre; cette proposition est détruite par l'histoire du pays et par une jurisprudence constante, et en directe contradiction avec l'arrêt de Marly de 1711.

Il est surpris que les seigneurs s'opposent au règlement de cette question. Il est de leur intérêt qu'elle soit réglée immédiatement. Il a été surpris surtout d'entendre un membre, M. Laterrière, s'opposer au bill actuel. Il croit qu'il s'était engagé aux hustings, lors de la dernière élection, de voter pour le bill de M. Drummond.³⁴

DR. LATERRIERE se lève avec beaucoup d'animation. Il dit que l'honorable M. Chabot, ainsi que Lemieux avaient envoyé une circulaire dans son comté disant qu'il (M. Laterrière) avait voté contre la 2^e lecture du bill de M. Drummond, pendant le dernier parlement à Toronto. Il se plaint de ce procédé de la part de deux de ses confrères et dit que cela était injuste. Il était faux qu'il eût voté contre le bill de M. Drummond, en 1851. Il (M.L.) est venu à Québec, et a alors obtenu une rétraction de la part de ces deux messieurs.³⁵

MR. COM. PUB. WORKS CHABOT explique les faits. Plusieurs des électeurs du comté du Saguenay étaient venus le trouver, ainsi que son ami M. Lemieux, leur demandant, comme membres du comité sur la tenure seigneuriale, si M. Laterrière s'était opposé au bill de M. Drummond, et s'ils pouvaient avoir confiance en lui, pour le règlement équitable de cette question. A cette demande, lui et M. Lemieux avaient répondu que M. Laterrière s'était opposé au bill de M. Drummond, et que si les électeurs du Saguenay désiraient le règlement de la tenure seigneuriale, il ferait mieux de ne pas envoyer un seigneur en chambre. Il est notoire que M. Laterrière s'était opposé de toutes ses forces au bill de M. Drummond en 1851, et M. Laterrière était venu à Québec, et était venu le trouver, ainsi que M. Lemieux, et leur avait demandé en grâce une recommandation auprès de ses électeurs, pour détruire l'effet de la première lettre, MM. Chabot et Lemieux lui donnèrent alors une autre lettre, disant que si M. Laterrière promettait de voter pour le bill de M. Drummond, ils le connaissent assez homme d'honneur pour tenir sa promesse, même une promesse d'élection. Tels sont les faits. M. Chabot soutient, qu'il avait droit de faire ce qu'il a fait, sans injustice envers M. Laterrière.³⁶

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*On motion of the Honorable Mr. Badgley, seconded by Mr. Malloch,
Ordered, That the Debate be adjourned until To-morrow, and be then the
second Order of the day.*

Ordered, That the remaining Orders of the day be postponed until To-morrow.

*Then, on motion of the Honorable Mr. Chabot, seconded by the Honorable Mr.
Attorney General Drummond,
The House adjourned.*

FOOTNOTES: 22 MARCH 1853.

1. The debate on this matter was reported by the MORNING CHRONICLE, 13 April 1853. Independent translations of the MORNING CHRONICLE account of Mr. Drummond's speech in the debate proper appeared in the following papers: LE CANADIEN, 18, 20 April 1853; LA MINERVE, 19, 21, 23 April 1853; and LE PAYS, 21, 23 April 1853. The debate was noted in identical accounts by the following papers: MORNING CHRONICLE, 25 March 1853, HAMILTON SPECTATOR DAILY, 1 April 1853 (which copied QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853 (which copied QUEBEC MERCURY), HAMILTON SPECTATOR WEEKLY, 7 April 1853 (which copied QUEBEC MERCURY), and NORTH AMERICAN WEEKLY, 7 April 1853.

The debates of 22, 29 and 30 March and of 8 April 1853, on the second reading of Mr. Drummond's bill were reported as a continuous debate (i.e. without notice of adjournments) in partially identical accounts by the following papers: LE CANADIEN, 11, 13, 15, 18, 20, 22, 25, 27, 29 April and 2 May 1853; LA MINERVE, 19, 21, 23, 28, 30 April and 3, 4, 7, 10 May 1853; and LE PAYS, 21, 23, 26, 28, 30 April and 3, 4, 7, 10, 12, 14 May 1853 (which copied LE CANADIEN after 23 April). The type set for LE CANADIEN's account of the debate was afterwards used to print a 40 page pamphlet: Débats dans l'assemblée législative sur la tenure seigneuriale (Québec: E.R. Fréchette, 1853). This pamphlet reproduces the text of LE CANADIEN's account exactly and so has no independent value. LA MINERVE differs from LE CANADIEN only because it--apparently arbitrarily--changes the order of speakers, because it has an independent translation of the MORNING CHRONICLE, 13 April 1853, account of Mr. Drummond's speech of 22 March 1853, and because it makes mistakes of transcription. LE PAYS omits one or two speeches and also has an independent translation of the MORNING CHRONICLE account of Mr. Drummond's speech, but is otherwise identical to LE CANADIEN, which it acknowledges copying.

The trustworthiness of LE CANADIEN's account of the debates is difficult to assess, but the reader should treat it with a good deal of caution. There is evidence to suggest that it is composed in part of speeches written by the members themselves and submitted to the paper for publication. It may be composed almost entirely of such speeches. Mr. Chauveau's speech of 29 March 1853, for instance, was not heard by the MORNING CHRONICLE reporter because he spoke with his back to the reporters' gallery and there was noise in the visitors' gallery, but LE CANADIEN prints a full and coherent account of his speech. In Mr. Chapais's speech of 8 April 1853, reference is made to an "opinion ci-dessus," which suggests that the honorable member was writing his speech out. Other suspicious details are subtitles within speeches (for example, "lère partie du bill.--Concession des terres."), the great length of most of the speeches, and the paucity of interruptions by other members.

Despite its suspect character, this account has been used in our reconstruction of the debates because it is the fullest available. Wherever possible, the MORNING CHRONICLE has been used as a guide in establishing speaker order, as LE CANADIEN's account is very unreliable in this respect, too. But the CHRONICLE did not report all speakers, so our assignment of speeches to particular days of debate is sometimes arbitrary. The text of the pamphlet has been used in preference to that of the newspaper for the convenience of our typists. Page numbers are not given because the long speeches are easy to find in the short pamphlet.

2. MORNING CHRONICLE, 13 April 1853.
3. IBID.
4. IBID.
5. IBID.

6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. MORNING CHRONICLE, 13 April 1853, which added, "but his precise expressions were not audible to the Reporter."
15. MORNING CHRONICLE, 13 April 1853.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. MORNING CHRONICLE, 13 April 1853, which added, "Here the hon. member sat down, after having occupied the floor about two hours."
26. MORNING CHRONICLE, 25 March 1853.
27. PAMPHLET.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. PAMPHLET, which commented that: "Il appert par les Journaux de la Chambre, que MM. Guky, Viger et Laterrière ont seuls votés contre la 2de lecture du bill de M. Drummond en 1851."
36. PAMPHLET.

WEDNESDAY, 23 MARCH 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Malloch,--The Petition of Henry Hanna, Esquire, and others, of the Township of Osgoode, County of Carleton.

By Mr. Jobin,--The Petition of John McBean, Esquire, President, and others, Directors of the Berthier Academy.

By Mr. Cauchon,--The Petition of the Reverend P. Sax and others, of the Parish of Laval, District of Quebec.

By Mr. McDonald of Cornwall,--The Petition of the Reverend Thomas McPherson and others, of the Townships of Lancaster and Charlottenburgh, County of Glengary.

By Mr. Street,--The Petition of the Niagara Falls Suspension Bridge Company.

By Mr. Langton,--Two Petitions of the Municipal Council of the United Counties of Peterborough and Victoria.

By Mr. Brown,--The Petition of the Reverend William Macalister and others, of Sarnia; the Petition of the Reverend Andrew Wilson and others, of the Village of Port Dover; the Petition of Charles Scarlett and others, of the Township of Dawn, County of Lambton; and the Petition of the Municipality of the Township of Dawn.

By Mr. Stuart,--The Petition of Archibald Campbell, Esquire, and others, of Quebec.

Pursuant to the Order of the day, the following Petitions were read:--

Of Antoine Chrétien and others, of the Parish of Ste. Ursule, County of St. Maurice; praying for the repeal of the existing Educational Law, and the re-enactment of the voluntary system in lieu thereof.

Of M. Anderson and others, of the Counties of Middlesex and Elgin; praying for an Act of Incorporation under the name of "The London and Port Stanley Railroad Company."

Of the Municipal Council of the Town of Perth; praying that the Townships of Olden, Oso, Clarendon and Palmerston, in the County of Frontenac, may be annexed to the County of Lanark.

Of R. Bell and others, of the Village of Carleton Place; of the Reverend Thomas B. Read and others, of the Village of Vienna, Canada West; of James Kyle and others, Office-bearers of the Free Presbyterian Church of Winchester; of the Reverend J. Charles Quin and others, Members and Office-bearers of the Presbyterian Free Church of Osnabruck; and of the Reverend J.C. Quin and others, the Minister and Office-bearers of the Free Church of Cornwall; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Provincial Canals.

Of the Municipal Council of the County of Champlain; praying that the County Seat of the said County may be transferred to the Parish of St. François Xavier de Batiscan.

Of Gerald Morgan and others, of the Townships of Tuckersmith and Stanley, County of Huron; and of James Barge and others, of the Township of Stanley; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating Liquors, except for medicinal and mechanical purposes.

Of James Gibb, Esquire, and others, of the City of Quebec; praying that the Bill relating to the improvement of Lake St. Peter, or any other Bill imposing a tax on Lake or River Craft drawing eleven feet of water or under, for the improvement of the said Lake, may not pass into Law.

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Of the Municipality of the Township of Escott; praying that no alteration may be made in the present Boundary Line of the said Township.

Of the Reverend Michael Timlin and others, of Upper Canada; praying for the passing of an Act to incorporate all Medical Societies in Upper Canada, and allow their respective Boards to grant Diplomas.

Of the Provisional Municipal Council of the County of Ontario; praying that the Bill to separate the Township of Georgina from the said County, and annex it to the County of York, may not pass into a Law.

Of the Reverend Joseph Laberge and others, of the Parish of L'Ancienne Lorette; praying for the incorporation of a Company to construct a Railway from Quebec to Montreal on the North Shore of the River St. Lawrence, and that the Provincial guarantee may be extended thereto.

Of Miss Marie Josephte Duperez, of Montreal; representing that she is the great-grand-daughter of Sieur de Champlain, the founder of the City of Quebec, and first Governor of Canada, and that she is now advanced in years, delicate in health, and unable to support herself, and praying for aid in the premises.

Of Hamnett Hill, President, and others, Trustees of the Bytown Mechanics' Institute and Athenaeum; praying for certain grants of money to establish on a better footing and maintain the said Institution, and also, that a remission of Postage dues may be granted to that and all similar Institutions.

Ordered, That the Petition of Joseph Gosselin and others, of the Parish of St. Laurent de l'Isle d'Orléans, County of Montmorency; the Petition of the Reverend S. J. N. Dumoulin and others, of the Parish of St. Anne d'Yamachiche, County of St. Maurice; the Petition of G. Joly, Esquire, and others, of the City of Quebec; the Petition of the Municipal Council of the County of Quebec; the Petition of the Reverend J. A. Mayrand and others, of the Parish of St[e]. Ursule, County of St. Maurice; the Petition of Augustin Gauthier, Junior, Esquire, and others, of the City of Quebec; the Petition of D. Lemaître Augé and others, of the Parish of St. Antoine de la Rivière du Loup, County of St. Maurice; and the Petition of Julien Guérin and others, of St. Joachim, County of Montmorency, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the Petition of André Leroux Cardinal, Chief Messenger to this House, be referred to the Standing Committee on Contingencies.

Mr. Polette, from the Select Committee to which was referred the Bill to allow the Fabriques of the Diocese of Quebec to form a Mutual Insurance Company, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have carefully considered the provisions of the Bill referred to them, and have come to the conclusion that it is desirable to extend the same to the other Dioceses in Lower Canada, various parties connected with those Dioceses having expressed a wish to that effect; they have accordingly so amended the Bill as to incorporate two separate Associations,--one for the Dioceses of Quebec and Three Rivers, (recently divided,)--and the other for the Dioceses of Montreal and St. Hyacinthe, which amendments they respectfully submit for the consideration of Your Honorable House.

Ordered, That the Bill and Report, be committed to a Committee of the whole House, for Thursday the thirty-first day of March instant.

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twentieth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to amend the Act, intituled, "An Act

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to incorporate the Pilots for and above the Harbour of Quebec," and have agreed to report the same without any amendment.

They have also examined the Bill to incorporate the Sisters of Charity at Quebec,--and the Bill to authorize the conveyance by the Catholic Parishioners of the Parish of St. Hyacinthe, of the personal property, buildings and immoveables appropriated to Divine Worship, and for other purposes therein mentioned, and to each of the said Bills they have made certain amendments which they beg to submit for the consideration of Your Honorable House.

On motion of Mr. Sicotte, seconded by Mr. Dixon,

Ordered, That the Select Committee on the Megantic Election Petitions have leave to adjourn until Wednesday next, in order to enable the Parties to summon Witnesses.

Ordered, That the Bill to amend the Act, intituled, "An Act to incorporate the Pilots for and above the Harbour of Quebec," be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to authorize the conveyance by the Catholic Parishioners of the Parish of St. Hyacinthe, of the personal property, buildings and immoveables appropriated to Divine Worship, and for other purposes therein mentioned, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Wednesday next.

Ordered, That Mr. Smith of Frontenac have leave to bring in a Bill to attach a certain portion of the Township of Kingston, in the County of Frontenac, to the Township of Pittsburgh, for Municipal purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That the Bill to incorporate the Sisters of Charity at Quebec, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday the thirty-first day March instant.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to amend the Act incorporating the Seminary of St. Hyacinthe [sic] d'Yamaska, in so far as regards the persons composing the said Corporation, and to declare what persons shall hereafter compose and constitute the same;" and the same were read, as follow:--

Page 1, line 36. After "St. Hyacinthe" insert "and the other Members of the said Corporation."

In the Preamble of the Bill.

Line 4. Leave out "said;" and after "Corporation" insert "of the Seminary of St. Hyacinthe d'Yamaska created by the Act of the Parliament of Lower Canada hereinafter mentioned."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. Sicotte do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendments.

Ordered, That Mr. Morrison have leave to bring in a Bill to incorporate the Upper Canada Religious Tract and Book Society.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

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Ordered, That the Petition of Joseph Clement and others, of the Township of Niagara; and the Petition of the Municipality of the Township of Niagara, relative to a Road allowance, be referred to the Select Committee to which was referred

the Petition of the Municipal Council of the United Counties of Lincoln and Welland, relative to Concession allowances and side Lines.

Ordered, That Mr. Morrison be added to the Select Committee to which was referred the Petition of the Municipal Council of the United Counties of Lincoln and Welland, relative to the Consolidated Municipal Loan Fund Act for Upper Canada.

Ordered, That the Return relative to the Quebec Harbour, which was presented on the fourteenth day of February last, be printed for the use of the Members of this House.

Ordered, That the Petition of the Municipal Council of the County of Quebec, relative to a Railroad on the North Shore of the River St. Lawrence, be printed for the use of the Members of this House.

Ordered, That the Honorable Mr. Robinson have leave to bring in a Bill to vest in Charles Coxwell Small, Esquire, certain Road allowances in the Township of Pickering.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the thirty-first day of March instant.

The House proceeded to take into consideration the Amendment made by the Legislative Council to the Bill, intituled, "An Act to incorporate the Society of Charitable Ladies of the Parish of St. Etienne de la Malbaie;" and the same was read, as followeth:--

Page 2, line 3. After "Act" insert "not being contrary to this Act, or to any other Act or Law in force in Lower Canada."

And the said Amendment, being read a second time, was agreed to.

Ordered, That the Honorable Mr. LaTerrière do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendment.

Ordered, That Mr. Stuart have leave to bring in a Bill to incorporate the Quebec Bridge Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

MR. RIDOUT¹ moved the first reading of the bill to extend to the Insurance Companies, incorporated by Colonial authority, the same rights and privileges with regard to the maximum amount of Interest to be charged, for the use of or loan of money, as the Provincial Parliament has granted to the Upper Canada Trust and Loan Company.²

The motion was opposed by SIR A. MACNAB, who thought the motion was brought in only because there were³ two or three Insurance Companies chartered at Toronto.⁴

MR. RIDOUT had no objection to extend the operation of his bill to any companies, whether in Toronto or elsewhere.⁵ [He] did not wish the benefits of the bill to be confined to Toronto; the people of Hamilton ought take advantage of it, if they liked.⁶

MR. MACKENZIE opposed this on the same ground that he opposed the exclusive privileges given to the Trust and Loan Company⁷, alleging that the Trust and Loan Company was petitioned against by twenty thousand persons, and that the present measure was but a bill to increase the means of extortion.⁸

MR. H. SMITH (Frontenac) conceived the further it was extended the worse it would be. Besides, he thought the motion was out of order, inasmuch as it was a practical repeat of the provision of⁹ the Usury law bill¹⁰ at present before the council, which expressly excepted Banking and Insurance Companies from the right to take more than 6 per cent¹¹ Interest¹² without penalties¹³; and also that it was an unfair privilege to their Companies.¹⁴ He was ready to vote against the first reading.¹⁵

MR. INSP. GEN. HINCKS remarked that government had often been blamed for rejecting bills on the first reading, and he thought it would be discourteous to do so now. The present bill in no way repealed any part of Mr. Brown's bill.¹⁶

After some rambling discussion, the motion was agreed to.¹⁷

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Ordered, That Mr. Ridout have leave to bring in a Bill to authorize Insurance Companies incorporated in this Province, to take the same rate of Interest on Loans made by them as the Upper Canada Trust and Loan Company are authorized to take.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of Mr. Mackenzie, seconded by Mr. Wright of the East Riding of York,

Ordered, That the Clerk of this House do obtain from the President and Directors of the Railway now in progress between Toronto and Lake Huron, a Return shewing who are at present the Stockholders, their names, and the shares they hold, with copy of any Correspondence or Reports relative to the intended Terminus on Lake Huron, and also shewing what Stockholders have demanded or

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received payment of the monies paid by them on their shares, under authority of the 4th Section of the Act 16 Vic. cap. 51.

On motion of Mr. Mackenzie, seconded by Mr. Wright of the East Riding of York,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency will be pleased to cause to be laid before this House, copy of the Third Annual Report of the Directors of the Provincial Lunatic Asylum at Toronto, adopted 7th February, 1853, with the accompanying documents.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Mackenzie, seconded by Mr. Wright of the East Riding of York,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency would be pleased to cause to be laid before this House, the following Returns, namely:--1st. A Statement of the Cash at the credit of the Government of Canada, and where deposited, naming the balance in each place of deposit, and whether interest is payable, and if so, what rate or rates of interest,--said Statement to be made up to the 1st instant, or such other recent day as may be convenient: 2nd. A Statement of the Public Debt in gross, with the amount of interest paid thereon during the last twelve months: 3rd. A Statement of the amount of money now at the credit of the Sinking Fund, how and where deposited or invested, and the amount

of interest or dividends thereon accruing: 4th. Copies of any Correspondence between the Chartered Banks of Canada and the Government, relating to the transfer of the Public Accounts from certain Banks to other Banking Institutions, and concerning the Public Deposits and the interest to be paid thereon, and the collection, management and transfer of the Public Revenue: 5th. A List of the Clerks and other Employés in each of the following Public Departments, viz: the Executive Council Office; the Provincial Secretary's Office; the Inspector General's Office; the Receiver General's Office; the Crown Land Office and its branches; the Board of Works and its branches; the Bureau of Agriculture and Statistics; the Post Office Department (excepting the local Offices throughout the country); the Adjutant General's Office; the Provincial Registrar's Office; and the Emigration Office,--such List to shew the Official title or occupation of each Clerk or other Officer, and the Salary paid to each; also, to distinguish those Officers respectively who have been appointed since the 28th October, 1851, whether their Offices were newly created, and if not to whom they succeeded; also, to shew any addition or additions which may have been made to the Salary of any Officer in the said Departments since the 28th October, 1851, and any addition just made to the Salary of any Officer; also, the hours of attendance at each of the above Departments.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to modify the Usury Laws," without any Amendment.¹⁸

And then he withdrew.

MR. STUART¹⁹ moved the first reading of the bill for repealing the law, which enables proprietors who have leased their houses to take them away from the lessees, if they desire to inhabit them themselves.²⁰

MR. AT. GEN. DRUMMOND supported the bill, which did what he had himself proposed to do some time ago, but which had been greatly opposed.²¹

MR. INSP. GEN. HINCKS asked if this bill was intended to cover the cases of sales by the lessor, during the course of the lease.²²

MR. STUART, as we understood, said yes.²³

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Ordered, That Mr. Stuart have leave to bring in a Bill to repeal the Law Aede.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

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On motion of Mr. Valois, seconded by Mr. Dubord,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying he will be pleased to cause to be laid before this House, copies of the Accounts rendered by the Trustees of the Turnpike Roads in the neighbourhood of Montreal, from the date of their last Returns up to this day; also, copies of certain Correspondence which has taken place between the said Trustees and the Government.

Ordered, That the said Address be presented to His Excellency the Governor

General by such Members of this House as are of the Honorable the Executive Council of this Province.

The Honorable Mr. Badgley, from the Select Committee appointed to revise the Rules of this House, and to consider and devise means calculated to expedite the performance of its duties, with power to report from time to time, with an Instruction to the said Committee, presented to the House the Final Report of the said Committee; which was read, as followeth:--

In pursuance of the Order of Your Honorable House, Your Committee have made a careful examination of the Rules of the House, and after due consideration, have agreed to recommend a modification of the same in some respects. The alterations which they have the honor to suggest, do not, however, except in a few instances, involve any change in the spirit of the Rules as they now stand, being intended chiefly to condense the Orders passed at various times having reference to the same subject, to rescind such of the Rules or Standing Orders as have become inconsistent with present practice or with Orders more recently adopted, and to embody in the form of Rules, various regulations which have been agreed to and acted upon by Your Honorable House, upon the recommendation of Select Committees or otherwise, since the adoption of the present Rules. Your Committee append to their Report a copy of the Rules in their amended form, which they have the honor to submit for the consideration of Your Honorable House. The amendments proposed are to the following effect:--

In accordance with the recommendation contained in the First Report of Your Committee, Your Honorable House have adopted a Resolution requiring two days notice of all Bills, Resolutions, &c., which is included as No. 36 of the amended Rules; and have rescinded the 6th Rule, providing for the reading of the Minutes, each day, by the Clerk, which is accordingly left out of the new series.

The following are the alterations which are now proposed by Your Committee: The 29th Rule, which provides for the translations of the Journals, and of documents before the House, into the French language, became no longer necessary upon the adoption of the Standing Order of the 19th December, 1844, which directs the printing in both languages of all Bills and documents submitted to the House; it is accordingly left out of the amended series. The 31st Rule, requiring the compilation of an Index to the Journals of each Session, is also unnecessary, the Index being made as a matter of course, as a necessary appendage to the Journals: this Rule has therefore been omitted.

The 59th Rule, relating to the printing of Bills, has been amended, by inserting the provisions of the Standing Orders of 19th December, 1844, (for the printing of Bills in both languages) and 29th March, 1849, (for the printing of Bills relating to Upper Canada in English only).--See amended Rule No. 58.

The 63rd Rule, requiring the Clerk to publish certain Notices relative to Private Bills, has been amended, so as to provide for the publication, from time to time, of those Rules which define the particular Private and Local Bills of which Notice must be given.--See amended Rule No. 62.

The 64th Rule, prescribing the Notices to be given on certain Private and Local Bills, has been rendered more definite in the description of those Bills upon which Notice is required, and Your Committee have thought it desirable

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to amend that part of it which relates to the Notices to be given in Lower Canada, by expunging so much as relates to the publication at the Church doors of the different Parishes affected by the application, which they have reason to believe has been of little practical use, and has in other respects been productive of evil consequences which more than counterbalance any supposed advantages resulting from it. They have also made provision for the publication

in the Official Gazette of such applications as may not affect any particular locality.--See amended Rule No. 63.

The 70th Rule, relative to fees and expenses on Private Bills, has been amended by requiring the parties applying for a Bill to provide a copy of the same in both languages, whether the same relates to Upper or Lower Canada. A Standing Order adopted in 1849, exempted Bills relating to Upper Canada alone from being printed in the French language, unless required by a Member; but as no Bill can now receive a third reading until it is printed in both languages, and a translation thereof becomes necessary before the Bill passes Your Honorable House, Your Committee have thought it right and just that these Bills should be placed on the same footing in this respect as those relating to Lower Canada. They have further amended this Rule by embodying in it the provisions of the 67th and 79th, relative to the printing of Private Bills and Acts by the parties.--See amended Rule No. 68.

The 76th Rule, requiring, in amended Private Bills, that the amendments be inserted in the printed copy of the Bill has been amended, by requiring that a duplicate copy of such amended Bill be filed in the office.--See amended Rule No. 76.

The 83rd Rule, relative to the presentation of Petitions, Your Committee have thought it advisable to expunge, and to recommend in lieu thereof, the adoption of a Rule providing that Petitions be laid on the table each day before five o'clock, endorsed with the name of the Member presenting the same; this change not to apply, however, to Election Petitions.--See amended Rule No. 80.

The 87th Rule, relative to the appointment of Select Committees, permits a Member moving the appointment of a Committee to name the Members thereof, unless objected to by the House. This Your Committee propose to amend by substituting the words "two Members" for "the House."--See amended Rule No. 83.

The 92nd Rule, relative to Orders of the day, Your Committee propose to expunge, and to substitute the provisions of the Standing Order of the 20th April, 1846, prescribing the order of precedence for the various items on the Order of the day Book, and to provide further that such Orders as are not taken up when called shall not require a special motion for postponement, but that all remaining undisposed of at the adjournment be placed on the Orders for the next sitting. The effect of this will be to render unnecessary the numerous motions for postponing particular Orders of the day by which the minutes of some days' proceedings are so unnecessarily extended.--See amended Rule No. 88.

The 95[th] Rule, regulating the mode of admission to the Library during the Session, Your Committee have amended in accordance with an Order recently adopted by the Standing Committee on the Library, so as to exclude Strangers from admission except upon a written Order from the Speaker of either House.--See amended Rule No. 91.

The 97th Rule, relative to the opening of the Library during the Recess, has been amended by applying it also to the Reading Room.--See amended Rule No. 93.

In the 98th Rule, relative to subscriptions for Periodical Works, Your Committee have embodied the Standing Order of the 16th June, 1841, authorizing the Clerk to subscribe to the various Newspapers in the Province.--See amended Rule No. 94.

The 99th Rule, fixing the hours of attendance of Officers of the House and extra Writers, has been amended by adding the substance of the Standing Order of the 30th November, 1843, prohibiting any charges for extra hours, &c.--See amended Rule No. 95.

The 101st Rule, requiring the Clerk to prepare annual Statements of Imports
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and Exports, Your Committee are of opinion should be expunged, as the requisite

information is contained in the Trade and Navigation Returns annually prepared by the Government.

The above embrace all the amendments which Your Committee propose to make to the Rules of Your Honorable House, with the exception of some few unimportant verbal and other alterations which they have thought it unnecessary to particularize.

Your Committee will now proceed to explain the changes which they propose for the consideration of Your Honorable House in the Standing Orders that have been adopted from time to time, and are yet in force. The Standing Orders of 16th June, 1841, (subscription for Newspapers); 30th November, 1843, (attendance of Officers of the House, &c.); 20th April, 1846, (precedence of Orders of the day); 5th June, 1846, (vacancies in offices, &c.); 29th March, 1849, (printing of Bills for Upper Canada in English only); and 4th June and 2nd August, 1850, (Orders of the day), are recommended to be rescinded, the provisions of the same being all incorporated with the amended Rules and Standing Orders as now reported.

The Standing Order of 27th July, 1841, regulating the printing and distribution of the Journals, Your Committee have amended by increasing the number of copies to 1500, and by providing that copies be supplied to such other Provincial or Foreign Legislatures as may be willing to exchange, and also to the different incorporated Colleges, the District and other Judges, to the various Municipalities in Upper and Lower Canada (as directed by the Order of 7th July, 1851). The Standing Order of 28th June, 1841, regulating the ordinary routine business of the House, they have amended so as to accord with the proposed alterations in the Rules. And the Standing Order of 30th November, 1843, providing for the payment of Witnesses, they have amended by adding certain provisions for restricting their payment within due limits, and for preventing abuses in this respect, which they have based upon the practice adopted by Your Honorable House during the last three Sessions.--See Standing Orders Nos. 2, 5, 7.

The Standing Orders adopted on 25th June, 1841, (Lists of Committees); 28th June, 1841, (Orders of the day); 19th July, 1841, (completion of work in Recess); 7th September, 1841, (control of Clerks, &c.); 19th December, 1844, (Printed Papers); 28th March, 1845, (Travelling Allowances); 22nd May, 1846, (Members making Reports); 29th March, 1849, (Sessional Printing); 4th June, 1850, (Third Reading of Bills); 6th June, 1851, (reference of Documents to Printing Committee); 25th August, 1852, (Annual Statements and Reports); and 2nd September, 1852, (Form of Printed Journals),--Your Committee recommend to remain in force, with such slight verbal alterations only as have been thought necessary. They are accordingly appended to the Rules now reported. (See Standing Orders Nos. 1 to 17.) In addition to these there have been at various times, recommendations emanating from Select Committees, and which, having been adopted by Your Honorable House, have partaken of the character of Standing Orders. Such of these as do not interfere with the alterations in the Rules now suggested, Your Committee have embodied in the form of Standing Orders, and have the honor to submit them for the consideration of Your Honorable House.--See Standing Orders Nos. 18 to 20.

Having completed their examination of all the existing Rules, Standing Orders, and Regulations, Your Committee next proceeded to the consideration of the Instruction of Your Honorable House, to consider whether it is expedient to add the following to the Standing Orders:--"No Petition shall be rejected because it is a printed document, (the Signature or Signatures excepted,) instead of being in manuscript;" and having duly considered the question, they have come to the conclusion that it is advisable to adopt a provision of that

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nature; they have accordingly prepared the draught of a Standing Order, which

they submit herewith.--See Standing Order No. 21.

In conclusion, Your Committee submit for the consideration of Your Honorable House, two further Resolutions which they propose for adoption as Standing Orders; the one, to declare that the Committee on Standing Orders (or other Committee of a like nature,) shall from time to time report upon all Petitions for Private and Local Bills that may be presented, as to the sufficiency of the Notice given under the Rules of the House;--the other, to provide that on Mondays and Thursdays the House shall proceed to the consideration of all such Orders of the day as may be unopposed, immediately after the ordinary routine business. (See Standing Orders Nos. 22, 23.) The first of these regulations has been put in practice for the greater part of the present Session, under an Order of the House, and has been found to work exceedingly well; and the other, Your Committee have no doubt will be found greatly to expedite the business of the House, by advancing unopposed measures a stage, from time to time, which now, from their position upon the Orders of the day, are kept back continually by other and more important measures involving discussion and debate.

RULES and STANDING ORDERS as reported by the Committee.

RULES.

MEETINGS AND ADJOURNMENTS OF THE HOUSE.

1. That this House do meet at three o'clock in the afternoon; and if at three o'clock there is not a Quorum, Mr. Speaker may take the Chair and adjourn; but when the House rises on Friday, it shall stand adjourned to the following Monday.

2. That when the House adjourns, the Members shall keep their seats until the Speaker leaves the Chair.

3. That whenever the Speaker is obliged to adjourn the House for want of a Quorum, the hour at which such adjournment is made, and the names of the Members then present, shall be inserted in the Journals.

QUORUM.

4. That upon the appearance of a Quorum the Speaker shall take the Chair, and the Members be called to order.

5. That the Speaker shall always take the Chair when the Black Rod is at the door, whatever the number of Members then present may be.

SPEAKER.

6. That the Speaker shall preserve Order and Decorum, and shall decide Questions of Order, subject to an appeal to the House.

7. That the Speaker shall not take part in any Debate, or vote in any case, unless the House shall be equally divided.--He may give his reasons for so voting. He shall stand uncovered when addressing the House.

8. That when the Speaker is called upon to explain a point of order or practice, he is to state the Rule applicable to the case, without argument or comment.

MEMBERS.

9. That every Member, previous to his speaking, shall rise from his seat uncovered, and address himself to the Speaker.

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10. That when two or more Members rise at once, the Speaker shall name the Member who is first to speak; and the other or others may appeal to the House, if dissatisfied with the Speaker's decision, by the Question, "Which Member was first up?"

11. That every Member who shall be present when a question is put, shall vote thereon, unless the House shall excuse him, or unless he shall be personally interested in the question; provided such interest be resolvable into a personal pecuniary profit, or such as is peculiar to the Member, and not in common with the interest of the subject at large, in which case he shall not vote.

12. That whenever a Petition tending to incorporate any number of persons to carry on any commerce or trade, is presented to this House, such of the Members of this House as are to become incorporated in consequence of such Petition, to carry on such commerce or trade, are personally interested in all questions that may arise upon such Petition, and in any after proceedings that may take place upon it.

13. That when the Speaker is putting a question no Member shall walk out of, or across the House; nor when a Member is speaking shall any Member hold discourse to interrupt him, except to order, nor pass between him and the Chair.

14. That a Member called to order shall sit down, unless permitted to explain; and the House, if appealed to, shall decide on the case, but without debate: If there be no appeal, the decision of the Chair shall be submitted to.

15. That no Member shall speak disrespectfully of the Queen or any of the Royal Family, or Person administering the Government of this Province; nor shall he use unmannerly or indecent language against the proceedings of this House, or against particular Members; nor shall he speak beside the question in debate.

16. That each Member may, of right, require the question or motion in discussion to be read for his information at any time of the debate, but not so as to interrupt a Member speaking.

17. That no Member shall speak more than once on the same question, without leave of the House, except in explanation of a material part of his speech, which may have been misconceived; but then he is not to introduce new matter.

18. That no Member shall speak more than once, without leave of the House, upon a previous question.

19. That any Member may, at any time, desire the House to be cleared of strangers; and the Speaker shall immediately give directions to the Serjeant-at-Arms to execute the order, without debate.

20. That it be recommended to every Member wishing to go out during the sittings, to inform the Serjeant-at-Arms of the place where he may be found if wanted.

21. That no Member during the Session shall absent himself for more than one sitting at a time, without an express leave of absence from the House.

22. That this House will not grant leave of absence to any Member, (unless that there are forty-three Members present in town,) but on the most urgent and accidental business specially stated to the House.

LEGISLATIVE COUNCIL.

23. That the Master in Chancery attending the Legislative Council, be received as their Messenger, at the Clerk's Table, the Members sitting; where he shall deliver such Message as he is charged with from the Legislative Council.

24. That all Messages from this House to the Honorable the Legislative Council, be sent by one Member of this House.

25. That when this House shall judge it necessary to request a Conference with the Legislative Council, the Reasons to be given by this House upon the

subject of the Conference shall be prepared and agreed to by the House, before a Messenger shall be appointed to make the said request.

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26. That Messages from the Honorable the Legislative Council, shall be received into this House so soon so [sic] announced by the Serjeant-at-Arms.

27. That Legislative Councillors, desirous of hearing the debates, may have seats without the Bar, in a space to be set apart for that purpose, withdrawing when the House is cleared.

STRANGERS.

28. That Strangers admitted into the House during its sittings, who make a noise or behave irregularly, shall be committed to the custody of the Serjeant-at-Arms, to await the judgment of this House.

JOURNALS.

29. That a copy of the Journals of this House be delivered, each day, to His Excellency the Governor General, certified by the Clerk.

30. That this House doth consent that its Journals may be searched by the Legislative Council, in like manner as this House may, according to Parliamentary usage, search the Journals of the Legislative Council.

RULES OF THE HOUSE.

31. That the Rules of the House shall be observed in a Committee of the whole House, so far as they may be applicable, except the Rule limiting the number of times of speaking.

32. That in all unprovided cases, resort shall be had to the Rules, Usages, and Forms of Parliament, which shall be followed, until this House shall think fit to make a Rule applicable to such unprovided cases.

DIVISION OF THE HOUSE.

33. That upon a Division in the House, the names of those who vote for, and of those who vote against the question, shall be entered upon the Minutes, if two Members require it.

MOTIONS AND QUESTIONS.

34. That a motion to adjourn shall always be in order.

35. That a motion that the Chairman leave the Chair, shall always be in order, and shall take place of any other motion.

36. That no motion for leave to present any Bill, Resolution, or Address, or for the appointment of any Committee, shall be made until at least two days' notice thereof shall have been given,--all such notices to be laid on the Table before five o'clock, and to be printed with the Proceedings of the day.

37. That no motion shall be debated or put, unless the same be in writing, and seconded. When a motion is seconded, it shall be read in English and in French by the Speaker, if he is master of both languages; if not, the Speaker shall read in either of the two languages most familiar to him; and the reading in the other language shall be at the table by the Clerk or his Deputy, before debate.

38. That after a motion is read by the Speaker, it shall be deemed to be in possession of the House; but may be withdrawn at any time before decision or amendment, with permission of the House.

39. That when a question is under debate, no motion shall be received unless to amend it, or commit it, or to postpone it to a certain day, or for the previous question, or for adjournment.

40. That the Previous Question, until it is decided, shall preclude all

amendment of the main question; and shall be in the following words: "Shall the main Question be now put?"

41. That a motion for commitment, until it is decided, shall preclude all amendment of the main question.

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42. That all questions, whether in Committee or in the House, shall be put in the order in which they are moved.

43. That no motion prefaced by any preamble, shall be admitted in this House.

44. That every motion, when seconded, ought to be received and read by the Speaker, except in the cases provided for by the Rules of this House.

45. That it shall be the duty of the Speaker, whenever he shall conceive that a motion which he has received and read, may be contrary to the Rules or Privileges of this House, to apprise the House thereof immediately, before the question on such motion is put, and to cite the Rule which is applicable to the case.

AID AND SUPPLY.

46. That if any motion be made in this House for any Public Aid, Subsidy, Duty or Charge upon the people, the consideration and debate thereof shall not presently be entered upon, but shall be adjourned till such further day as the House shall think fit to appoint; and then it shall be referred to a Committee of the whole House, and their opinion be reported before any Resolution or Vote of the House do pass thereupon.

47. That all Aids and Supplies granted to Her Majesty by the Legislature of Canada, are the sole gift of the Assembly of this Province, and all Bills for granting such Aids and Supplies ought to begin with the Assembly, as it is the undoubted right of the Assembly to direct, limit, and appoint in all such Bills, the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which are not alterable by the Legislative Council.

48. That in order to expedite the business of the Legislature, the House should not insist on the privilege claimed and exercised by them, of laying aside Bills sent from the Legislative Council because they impose pecuniary penalties; nor of laying aside amendments made by the Legislative Council because they introduce into or alter pecuniary penalties in Bills sent to them by this House; provided that all such penalties thereby imposed, are only to punish or prevent crimes and offences, and do not tend to lay a burden on the subject, either as Aid or Supply to Her Majesty, or for any general or special purposes, by Rates, Tolls, Assessments, or otherwise.

PUBLIC BILLS.

49. That every Public Bill shall be introduced by a motion for leave, specifying the Title of the Bill, or by a motion to appoint a Committee to prepare and bring it in, or by an Order of the House on the Report of a Committee.

50. That no Bill shall be committed or amended until it shall have been twice read.

51. That all amendments shall be reported to the House by the Chairman, standing in his place. After report, the Bill shall be subjected to debate and amendment in the House, before the question for appointing a day for the third reading shall be put.

52. That every Bill shall receive three several readings, on different days, previous to its being passed, except on urgent and extraordinary occasions, when it may be read twice or thrice in one day.

53. That when a Bill is read in the House, the Clerk shall certify the

readings and the time on the back.

54. That Bills committed to a Committee of the whole House, shall first be read throughout by the Clerk, and then be read by the Chairman and debated by Clauses, leaving the Preamble and Title to be last considered.

55. That when a Bill passes the House, the Clerk shall certify the same, with the date thereof, at the foot of the Bill.

56. That a similar mode of proceeding shall be observed with Bills which

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have originated in and passed the Legislative Council, as with Bills originating in this House.

57. That it shall be the duty of the Law-Clerk of this House to revise all Public Bills after the first reading, and that after such revision, he do mark his initials and certify on the endorsement of the said Bills, in red ink, that the same are correct; and that the said Law-Clerk be held responsible for the due performance of such duty, in obedience to this Resolution; and that in every succeeding stage of such Bills the said Law-Clerk shall be also held responsible for the correctness of the said Bills, should amendments be made thereto: and he shall make a Breviat of every such Bill previous to the second reading thereof.

58. That all Bills, Public and Private, and Breviats and Abridgements thereof, be printed before the second reading, in the English and French languages in equal proportions (unless the House in certain cases dispense with such printing), with the exception of Bills relating only to Upper Canada, which shall be printed in English alone, unless otherwise required by any one Member, --and also of certain Bills to continue Acts, or other short Bills not introducing any important innovation, with the printing of which the Speaker may dispense.

PRIVATE BILLS.

59. That hereafter no Petition for any Private or Local Bill will be received by the House after the first fifteen days of each Session, unless the Petitioners shall have first applied, after notice thereof, for leave to present such Petition, and obtained permission of the House to do so.

60. That hereafter this House will not receive any Private or Local Bills, except within the first four weeks of each Session.

61. That this House will not receive any Report of a Standing or Select Committee, upon any Private or Local Bill, except within the first six weeks of each Session.

62. That the Clerk of this House shall, within three months after the close of each Session, publish, in the Official Gazette, the 63rd, 64th, and 65th Rules, --and in other newspapers (English and French) the substance thereof; and shall also, immediately after the issuing of the Proclamation convoking the Provincial Parliament for the dispatch of business, announce, in the Official Gazette, and other newspapers published in this Province in the English and French languages, until the opening of Parliament, the day on which the time limited for receiving Petitions for Private Bills will expire, according to the Rules of this House; and the said Clerk shall also announce, by Notice set up in the Select Committee Rooms, and in the Lobby of this House, by the first day of every Session, the days on which, according to the Rules of this House, the time for receiving Petitions for Private Bills, Reports on those Petitions, and Reports on the Bills upon those Petitions, are to expire.

63. That all applications for Private or Local Bills, whether for the erection of a Bridge, the making of a Railroad, Turnpike Road, or Telegraph Line; the construction or improvement of a Harbour, Canal, Lock, Dam, or Slide, or other like work; the granting of a right of Ferry; the construction of works

for supplying Gas or Water; or for the incorporation of any particular Profession or Trade, or of any Banking or other Commercial Company, or Cemetery Company; the incorporation of a Town or City; the levying of any local Assessment; the division of any County or Township; the removal of the site of a County Town, or of local offices; the regulation of a Common; the re-survey of any Township, Line, or Concession; or for granting to any individual or individuals any exclusive rights or privileges whatsoever, or for doing any matter or thing which in its operation would affect the rights or property of other parties; or for making any amendment of a like nature to any former Act,--shall require the following Notice to be published, viz:--

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In Upper Canada--A notice inserted in one newspaper published in the County, or Union of Counties, affected.

In Lower Canada--A notice inserted in one newspaper in the English, and one newspaper in the French language, in the District affected, or in both languages if there be but one paper; or if there be no paper published therein, then (in both languages) in a paper published in an adjoining District, and also in the Official Gazette.

Such notices shall be continued in each case for a period of at least two months, during the interval of time between the close of the next preceding Session, and the consideration of the Petition. Provided that if the application be of such a nature as not to affect any particular locality, the notice may be published in the Official Gazette.

64. That before any Petition praying for leave to bring in a Private Bill for the erection of a Toll Bridge is presented to this House, the person or persons purposing to petition for such Bill shall, upon giving the Notice prescribed by the 63rd Rule, also, at the same time, and in the same manner, give a notice in writing, stating the rates which they intend to ask, the extent of the privilege, the height of the arches, the intervals between the abutments or piers for the passage of rafts and vessels, and mentioning also whether they propose to erect a draw-bridge or not, and the dimensions of such draw-bridge.

65. That parties publishing notices of intended application for Private Bills under the 63rd Rule, shall be required to send, addressed to the "Private Bill Office, Legislative Assembly," (as soon as may be after its publication,) a copy of the local newspaper containing the first insertion of any such notice (or a certificate of the insertion thereof, by the proprietor of such paper); and also, after the presentation of the Petition, a copy of the paper containing the last insertion of the said notice, or a certificate thereof.

66. That Bills of a private nature shall be introduced on a Petition, to be presented by a Member, and seconded.

67. That when any Bill shall be brought into the House for confirming Letters Patent, a true copy of such Letters Patent shall be attached to the Bill.

68. That the expenses and costs attending on Private Bills giving any exclusive privilege or advantage, whether for the erection of a Bridge, or the construction of a Railroad, Turnpike Road, Telegraph Line, Harbour, Canal, Lock, Slide, Dam, or other like work; or for the incorporation of Banking or Commercial Companies, Cemetery Companies, or Companies for the construction of Gas or Water Works, or for any other objects of profit, or private or individual advantage; or for amending, extending, or enlarging any former Acts in such manner as to confer additional powers, ought not to fall on the public; and that for the purpose of defraying the same, the parties seeking to obtain any such Bill shall be required to pay into the Private Bill Office the sum of £15, immediately after the second reading thereof; and all such Bills shall be prepared in the English and French languages, by the parties applying for the same, and printed

by the Contractor for printing the Bills of the House, and 250 copies thereof in English, shall be deposited in the Private Bill Office, with 150 copies in French also, of such Bills as relate to Lower Canada, before the second reading; and no such Bill shall be read a third time until a certificate from the Queen's Printer shall have been filed with the Clerk, that the cost of printing 150 copies of the Act in each language for the Government, has been paid to him.

69. That every Private Bill, after having been read a second time, shall be referred to the Standing Committee on Private Bills, if any such shall have been appointed, or to some other Standing Committee of the same character.

70. That whenever any Petition or Bill presented to the House shall have been referred to a Committee to examine the matter thereof and report the same as it shall appear to them, to the House, the House will not admit any Peti-

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tioners to be heard, by themselves or Counsel, against such Petition or Bill, until the matter shall have been first reported to the House.

71. That all persons whose interest or property may be affected by any Private Bill, shall, when required by the Committee, appear in person before them to give their consent; and if they cannot personally appear, they may send their consent in writing, which shall be proved before the Committee by one or more witnesses. And in every case the Committee upon any Bill for incorporating a Company shall require proof that the Persons whose names appear in the Bill as composing the said Company are of full age, and that they are in a position to effect the objects contemplated by the Bill, and have personally consented to become so incorporated.

72. That no Committee on any Private Bill, based upon a Petition, notice of which is required by the 63rd Rule, shall sit thereupon, without first causing a week's notice of the day of sitting to be set up in the Lobby.

73. That the Committee to whom any Private Bill shall have been referred, shall report the Bill to the House, whether such Committee shall or shall not have agreed to the Preamble, or gone through the several Clauses, or any of them; and when any alteration shall have been made in the Preamble of the Bill, such alteration, together with the ground of making the same, shall be specially stated in the Report.

74. That when the Committee on any Private Bill shall report to the House that the Preamble of such Bill has not been proved to their satisfaction, they shall also state the grounds upon which they have arrived at such a decision.

75. That a filled up Bill containing the amendments proposed to be submitted to the Committee on the Bill, be deposited in the Private Bill Office, one clear day before the meeting of the Committee upon such Bill.

76. That the Chairman of the Committee shall sign, with his name at length, a printed copy of the Bill on which the amendments are fairly written, and shall also sign with the initials of his name, the several amendments made and clauses added in Committee; and another copy of the Bill, with the amendments written thereon, shall be prepared by the Clerk of the Committee, and filed in the Private Bill Office, or attached to the Report.

77. That (except in cases of urgent and pressing necessity) no motion shall be made to dispense with any Sessional or Standing Order of the House, relative to Private Bills, without due notice thereof.

78. That a Book, to be called the "Private Bill Register," shall be kept in a room to be called the "Private Bill Office," in which Book shall be entered, by the Clerk appointed for the business of that Office, the name, description and place of residence, of the parties applying for the Bill, or their agent, and all the proceedings thereon, from the Petition to the passing of the Bill; such entry to specify briefly each proceeding in the House, or in any Committee

to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such Book to be open to the public inspection daily, during Office hours.

79. That the Clerk of the Private Bill Office do prepare, daily, lists of all Private Bills, and Petitions for Private Bills, upon which any Committee is appointed to sit, specifying the time of meeting, and the room where the Committee shall sit; and the same shall be hung up in the Lobby.

PETITIONS.

80. That the Petitions and memorials addressed to the House (except Election Petitions, which shall be presented by a Member in his place) shall be laid on the table each day before five o'clock, endorsed by the Member presenting the same, with his name, and he shall be answerable that they do not contain improper or impertinent matter. And all Petitions, after lying two days on the table, shall be read by the Clerk, and if received by the House, be then entered in the Journals.

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PAPERS LAID BEFORE THE HOUSE.

81. That Papers laid before this House, or referred to a Committee for their consideration, are of right to be read once by the Clerk or Chairman at the table, but when once read to the House or Committee, they are then, like every other Paper that belongs to the House, to be moved for to be read, and if objected to, to be decided by taking the sense of the House or Committee.

COMMITTEES.

82. That in forming a Committee of the whole House, the Speaker shall leave the Chair, and shall, before leaving the same, appoint a Chairman to preside, who shall have the same authority in the Chair of the Committee as the Speaker in the Chair of the House, and in other Committees the Chairman shall have the like authority.

83. That the mode of appointing a Select Committee, shall be first to determine the number it shall consist of, then each Member naming one, which shall be written down by the Clerk; those who have most voices shall be taken successively, until the number is completed; and if any difficulty should arise by two or more having an equal number of voices, the sense of the House shall be taken as to the preference; but it shall be always understood, that no Member who declares himself or divides against the body or substance of the Bill, motion or matter to be committed, upon any of the Readings thereof, can be nominated to be of a Committee upon such Bill, motion or matter: or the mover may submit the names of the Members to form the Committee, and if not objected to by two Members, the Members so nominated shall compose the Committee.

84. That every Member who shall introduce a Bill, Petition, or Motion upon any subject, which may be referred to a Committee, shall be one of the Committee without being named by the House.

85. That of the number of Members appointed to compose a Committee, such number thereof as shall be equal to a majority of the whole number chosen, shall be a Quorum competent to proceed to business in all cases, where the number to form such a Quorum shall not be specially fixed by the House.

MESSENGERS.

86. That the Speaker of this House shall appoint all Messengers; but it shall be always understood, that the Member who moves for the Message shall of right be one of the number of Messengers, and that any Member who shall declare himself, or divide against the said Message, or against the subject thereof,

cannot be appointed to be one of the Messengers.

ORDERS OF THE DAY.

87. That the Order of the day shall have preference to any motion before the House.

88. That all measures standing on the Orders of the day be taken up according to the precedence they originally held when placed on the Order of the day Book; and such as are not taken up when called, shall remain in their relative position; and all such Orders as remain undisposed of at the adjournment of the House, shall be postponed till the next sitting day, without a special motion to that effect.

PRIVILEGES.

89. That whenever any matter of privilege arises, it shall be immediately taken into consideration.

LIBRARY.

90. That a proper Catalogue of the Books belonging to the Library be kept

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by the Librarians, in whom the custody and responsibility thereof shall be vested; and who shall be required to report to the House through Mr. Speaker, at the opening of each Session, the actual state of the Library.

91. That no person whatever shall be entitled to admission to the Library during a Session of Parliament, except the Governor of the Province, the Members of the Executive and Legislative Councils and Legislative Assembly, and the Officers of the two Houses for the time being, and such other persons as may receive a written order of admission from the Speaker of either House.

92. That during a Session of Parliament, no Books belonging to the Library be permitted to be taken out of the building, except upon receipts given by a Member of either House.

93. That during the recess of Parliament the Library and Reading Room shall be open every day in each week, Sundays and Holidays excepted, from the hour ten in the morning until three in the afternoon; and that access to the Library be permitted to persons introduced by a Member of the House, or admitted at the discretion of the Clerk or one of the Librarians, subject to such regulations as may be deemed necessary for the security and preservation of the collection; but that no one shall be allowed to take any Book out of the Library, except Members of the House, and such persons as may be authorized by the Speaker, or, in his absence, by the Clerk of the House, or by one of the Librarians.

94. That the Clerk of this House be authorized to subscribe for the Newspapers published in the Province, and such other papers, British and Foreign, as may from time to time be directed by the Speaker, and to import annually the continuation of Periodical Works in the Library.

OFFICERS OF THE HOUSE.

95. That the hours of attendance of the respective Officers of this House and the Extra Clerks employed during the Session, be from nine in the forenoon until one in the afternoon, and from two until eight o'clock, and from thence until the business of the day be completed; and that no charges for extra hours be allowed.

96. That before filling any vacancy in the Offices of this House, enquiry be made touching the necessity of such Office, the amount of salary and emoluments thereunto annexed, and fixing such salary de novo at every change.

STANDING ORDERS OF THE HOUSE.

1. That the Clerk of this House be required to cause to be placed in some conspicuous place within this House, a List of the several Standing and Select Committees, as appointed from time to time.

2. That the ordinary routine of the daily proceedings in this House, in the transaction of business, be as followeth:--

Receiving and reading Petitions.

Referring Petitions.

Presenting Reports (by Standing and Select Committees.)

Motions.

Orders of the day.

3. That the Clerk of this House be directed to lay on the Speaker's table, every morning, previous to the meeting of the House, the order of the proceedings for the day; and that a copy of the same be hung up in the lobby, for the information of Members.

4. That it shall be the duty of the Officers of this House (including the

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Clerk and Clerk Assistant) to complete and finish the work remaining at the close of each Session.

5. That 1500 copies be printed of the Journals of this House, with the Appendix thereto, after every Session, to be disposed of as followeth:--

Three copies to each Member.

One copy to each of the Members of the Legislative Council.

Six copies to His Excellency the Governor General.

Three copies in English, and two in French, to the Library of the Legislature.

One copy each, to the Governors, Legislative Councils, and Assemblies, of New Brunswick, Nova Scotia, Newfoundland, Prince Edward's Island, the Island of Jamaica, and Island of Bermuda, and such other Legislatures (Provincial or Foreign) as may be willing to furnish copies of their own Journals in return.

Two copies to the Colonial Department.

Three copies to the Library of the House of Commons.

Three copies to the Library of the House of Lords.

Six copies to the Clerk's Office, for the use of this House.

One copy to each of the Judges of the Courts of Chancery, Queen's Bench, Common Pleas, and District Courts in Upper Canada,--and to each of the Judges of the Court of Queen's Bench, Superior Court, District and Circuit Courts in Lower Canada.

One copy to each incorporated University or College, and to each Law Library in the Province, as the Speaker may direct.

One copy to each Municipal Council in Upper Canada, and pending the establishment of the said Councils in Lower Canada, an equal number to be distributed in the several Townships and Parishes therein under the direction of the Clerk.

6. That the Clerk of this House be held responsible for the safe keeping of all the Papers and Records of this House, and have the direction and control over all the Clerks and Servants employed in the Office, subject to such orders as he may, from time to time, receive from Mr. Speaker and the House.

7. That the Clerk of this House be authorized to pay out of the Contingent Fund, to Witnesses summoned to attend before any Select Committee of the House, the sum of ten shillings per diem, during their attendance, and a reasonable allowance for travelling expenses, upon any certificate or order of the Chairman of the Committee before which such Witnesses have been summoned; but no Witness

shall be so paid, unless a certificate shall first have been filed with the Chairman of such Committee, by some member thereof, stating that the evidence to be obtained from such Witness is, in his opinion, material and important; and no such payment shall be made in any case, without the authority of the Standing Committee on Contingencies, which shall be signified by the endorsement of the Chairman thereof upon the aforesaid certificate: and when any Witness shall have been in attendance during three days, if his presence is still further required, recourse shall again be had to the Contingent Committee, and so on every three days, and no Witness residing at the seat of Government shall be paid for his attendance.

8. That all Bills and Documents submitted to the consideration of the House, be printed in each of the English and French languages, in equal proportion, unless otherwise directed.

9. That no allowance will in future be made to any person in the employ of this House, who may not reside at the seat of Government, for travelling expenses in coming to attend his duties.

10. That Members of this House be permitted to make Reports from Select Committees of which they may be Chairmen, standing in their places, and without proceeding to the Bar of the House.

11. That no work be paid for at the rate of Sessional Printing which is not

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delivered to the House during the Session; and that any work not so delivered shall be paid for at the rate allowed for the printing of the Journals and Appendix.

12. That the contractors for the Sessional Printing shall be entitled to perform such work as is delivered to them during the Session, and that no portion of the work intended to form part of the Appendix shall be so delivered unless it appears to the Clerk of the House that it can be executed during the Session.

13. That in case extra copies of any portion of the Appendix which cannot be delivered during the Session, be required, the same shall be furnished by the contractors for the Appendix at their contract price.

14. That all Orders of the day for the third reading of Bills shall take precedence of all other Orders for the same day, except only of such of the said other Orders as may have been given precedence by special order of the House.

15. That all documents presented to this House, whether in accordance with Addresses or otherwise, be referred to the Standing Committee on Printing, in order that the said Committee may report from time to time whether, in their opinion, it is expedient that such documents should be printed in the Appendix to the Journals; and that such Reports should contain an estimate of the cost of printing each document.

16. That it shall be the duty of the Clerk to make and cause to be printed, and delivered to each Member, at the commencement of every Session of the Legislature, a List of the Reports or other periodical Statements which it is the duty of any Officer or Department of the Government, or any Bank or other Corporate Body, to make to the Legislative Assembly, referring to the Act or Resolution, and page of the volume of the Laws or Journals in which it may be contained, and placing under the name of each Officer or Corporation a List of Reports or Returns required of him or it to be made, and the time when the Report or periodical Statement may be expected.

17. That in future, the Journals and Appendices, as also Sessional Papers (Bills excepted), be printed in Royal Octavo form, of the size of the Report on Trade and Navigation for 1851, with new small pica type, without marginal notes, and with but two blank lines between the page heading and reading matter. The Yeas and Nays in the Journals to be in long primer, in four columns.

18. That no Bill be introduced into the House, either in blank or only in part completed.

19. That all Letters, Correspondence, and Papers forwarded by Members, and chargeable against the Contingencies of the House, do pass through the office thereof.

20. That the Clerk shall not engage nor put on pay, at the outset of a Session, any more extra Writers than may be necessary for the time being, taking on others as the increase of business may require.

21. That this House will not, in future, refuse to receive Petitions on account of the same being printed, provided there are at least three genuine signatures upon the same printed sheet.

22. That all Petitions for Private or Local Bills, which may from time to time be received by the House, be taken into consideration (without a special reference) by the Committee on Standing Orders, (or such other Committee as may be appointed for the purpose,) who shall report in each case whether the provisions of the 63rd and 64th Rules, with regard to the publication of Notice, have been complied with.

23. That on Monday and Thursday in each week, the unopposed Orders before the House, take precedence of all other matters, after presenting Reports by Select Committees.

Ordered, That the said Report be committed to a Committee of the whole House, for Wednesday next.

Ordered, That the said Report be printed for the use of the Members of this House.

On motion of MR. R. CHRISTIE (Gaspé)²⁴,

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Ordered, That Mr. Prince have leave of absence for one month, from Tomorrow, on urgent private business.

The Order of the day for the call of the House, being read;

Ordered, That the House be now called over.

Ordered, That the Serjeant-at-Arms attending this House do go with the Mace to the places adjacent, and summon the Members there to attend the service of the House:--And he went accordingly; and being returned;

The House was called over, and several of the Members appeared; and the names of such Members as made default to appear, were taken down, as follow:--

William Henry Boulton,
Alexander Tilloch Galt,
David LeBoutillier,
George Byron Lyon,
Honorable Louis Joseph Papineau.²⁵

Mr. Speaker communicated to the House the following Letter:--

Government House,

Quebec, 23rd March, 1853.

Sir,--I have the honor, by command of the Governor General, to inform you that it is His Excellency's intention to proceed to the Legislative Council Chamber, To-morrow at half past three o'clock, to assent in Her Majesty's Name, to certain Bills passed by the Legislative Council and Legislative Assembly.

I have the honor to be, Sir,

Your most obedient humble Servant,

R. Bruce,
 Governor's Secretary.

The Honorable The Speaker
 of the Legislative Assembly.

*The Order of the day for the third reading of the Bill to enlarge the Representation of the People of this Province in Parliament, being read;*²⁶

MR. PROV. SEC. MORIN²⁷ then moved the third reading of the increase of representation bill. It was not necessary, after having done the best to arrange the details of the bill in a satisfactory manner, to discourse at length upon it. He therefore simply moved the third reading.²⁸

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The Honorable Mr. Morin moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That the Bill be now read the third time;

SIR A. MACNAB had no hope that the amendment he was about to move would be adopted, but he wished to place upon the journals of the House²⁹ his opinion³⁰ [and] what he knew to be the opinion of the gentlemen with whom he had the honour of acting.³¹ He said that already so much had been said and well said on the subject of this bill that he contented himself with moving³² in amendment to the third reading of the bill the following resolution:³³

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Sir Allan N. MacNab moved in amendment to the Question, seconded by Mr. Murney, That all the words after "now" to the end of the Question be left out, in order to add the words "recommitted to a Committee of the whole House, for the purpose of adding the following Proviso at the end of the third Clause: 'Provided always that whenever any County, Riding, City or Town in this Province, which by the foregoing provisions of this Act will, on the passing thereof, be entitled to be represented by one Member in the Legislative Assembly, shall by the then last Census contain a population of thirty thousand Souls or upwards, such County, Riding, City or Town shall thereupon become entitled to be represented in the said Assembly by two Members; and upon such fact appearing by the Official Returns of any Census, the Governor shall cause a Writ of Election forthwith to issue for the Return of an additional Member for such County, Riding, City or Town'" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Burnham, Christie of GASPE, Dixon, Gamble, Langton, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Marchildon, Murney, Ridout, Robinson, Seymour, Smith of FRONTENAC, Shaw, Stevenson, Street, White, Willson, and Wright of West Riding of YORK.--(21.)

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NAYS.

Messieurs Badgley, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Clapham, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, LaTerrière, Laurin, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, McDougall, McLachlin, Merritt, Mongenais, Morin, Morrison, Paige, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Sicotte, Smith of DURHAM, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, Wright of East Riding of YORK, and Young.--(55.)

So it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time;

Mr. Smith of Durham³⁴ moved in amendment to the Question, seconded by Mr. Fergusson, *That all the words after "now" to the end of the Question be left out, in order to add the words "recommitted to a Committee of the whole House, for*

the purpose of altering the arrangement of the Townships composing the Ridings of the County of Durham, so that the East Riding shall consist of the Townships of Cavan and Hope, the Town of Port Hope, and all that portion of the Township of Clarke lying east of the allowance for Road or side Line between Lots Nos. 18 and 19, in the various Concessions of the said Township of Clarke, and all that portion of the Township of Manvers lying east of the allowance for Road or side Line between Lots Nos. 16 and 17,³⁵ in the several Concessions of the said Township of Manvers; and that the West Riding shall consist of all that portion of Clarke and Manvers lying west of the aforesaid allowances for Road or side Lines in each of the said Townships, together with the Townships of Darlington and Cartwright" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Fergusson, Johnson, Mackenzie, Smith of DURHAM, White, and Wright of East Riding of YORK.--(6.)

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NAYS.

Messieurs Badgley, Brown, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Dixon, Attorney General Drummond, Dubord, Dumoulin, Egan, Fortier, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A. N. MacNab, Malloch, Marchildon, Mattice, McDougall, McLachlin, Mongenais, Morin, Morrison, Murney, Paige, Patrick, Polette, Poulin, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Sicotte, Smith of FRONTENAC, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, Willson, Wright of West Riding of YORK, and Young.--(70.)

So it passed in the Negative.

MR. R. CHRISTIE (Gaspé)³⁶ wished to know if ministers meant to dissolve the House if this bill were carried³⁷ [or] to allow the present Parliament to go its natural term of life?³⁸ If the bill passed he intended to move³⁹ an amendment to the effect that the bill should not go into effect till the 7th day of Jany. 1856.⁴⁰ He thought that the country was at present fairly represented, and that there was no necessity for a new election at present⁴¹ inasmuch as the ministry had the confidence of the country, and he thought deservedly. If the government would take his amendment, or give an assurance to the effect he required⁴² he should vote in favour of the bill, which he considered as very fair both to Upper and Lower Canada, in the arrangement of the details.⁴³

MR. INSP. GEN. HINCKS could say nothing beyond what had been already stated with regard to a dissolution of the House. The present ministry had no intention of advising the Crown to dissolve the House, in consequence of the passing of this bill. Of course the Crown might exercise its prerogative, and dissolve the House, but the Ministry had not the slightest idea of advising such a course, nor had they entertained it. It would be, however, very absurd to adopt the course pointed out by the hon. member for Gaspé, for who could tell what contingency might arise before the time mentioned by him, which would require a dissolution of the House, and in that case of course the Representation bill would come into force.⁴⁴

MR. SEYMOUR considered the praise bestowed on this bill by the hon. member for Gaspé showed that that hon. member did not understand much about it⁴⁵. Upper Canada had not had justice done her⁴⁶, for by the proposed measure, six constituencies grouped together at the Eastern end of the Province, in the neigh-

bourhood of Cornwall, having a population altogether of only 59,386 and containing property to the amount of £1,737,500 would be entitled to send six members to Parliament, while three Conservative constituencies near Kingston--Frontenac, Lennox and Addington, and Prince Edward, with a population of 61,822 and assessed property to the amount of £2,668,875, nearly double that of the former counties and the population exceeding that of the former by 2,500 were allowed only three members. (Hear, hear.)⁴⁷ Again Dundas, Leeds, and Glengary with about the same population were to have five members. Why this, unless because Frontenac, Lennox and Addington and Prince Edward had the misfortune to be represented by conservative members⁴⁸ [and] the other six being Reform⁴⁹?

MR. BROWN merely rose to enter his protest against the doctrine that the appeal to the people⁵⁰ in the country⁵¹ should not be made upon the passing of this bill, though he acknowledged there might be reasons to prevent that appeal immediately. The very fact that the house had passed such a bill as this⁵² declared that ... Parliament itself⁵³ did not consider the representation sufficient.⁵⁴

MR. ROBINSON repeated what had been previously said in Committee⁵⁵ that greater injustice was done⁵⁶ by the bill to certain parts of Upper Canada, especially by limiting the representation of the larger population of Upper Canada to an equality with that of the smaller population of Lower Canada.⁵⁷ Some parts of Upper Canada were unjustly treated when compared with others. Three of the counties mentioned by the hon. member for Lennox and Addington, had a population of only 28,827--but these being all Reform sent three members, while the county of Peel with 24,816 inhabitants was only entitled to send one member. That, however was a Tory county, which was a sufficient explanation. Then there was the Conservative county of Simcoe, with a population of over 27,000 inhabitants, with only two members. All these things were very unjust, and were more felt as it must be evident that this was intended to be a final measure.⁵⁸ The truth was, however, that Upper Canada would not submit to that injustice, and that if she could not obtain redress by fair means, she must seek it by excitement, which could not fail⁵⁹ to do mischief to the country.⁶⁰

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And the Question being again proposed, That the Bill be now read the third time;

MR. STUART⁶¹ moved an amendment, the effect of which would be to remedy the injustice which he thought had been done to Quebec by the bill. Hitherto Montreal and Quebec had had equal representation, now it was proposed to add the banlieu[e] to the city of Quebec, which was then to have three members like Montreal; but the County of Montreal was to have two members, whereas the County of Quebec was to have but one. He, therefore, moved in amendment to give the city of Quebec the same limits as heretofore, but to divide the County into two Ridings, one to consist of the banlieue with two members. Of course, in moving this amendment, he desired to preserve an equality between Upper and Lower Canada; but he believed there would be no difficulty about that as many members of the ministerial side of the House felt that it would be right to give one other member to a large County in Upper Canada. There was not only an inequality between Montreal and Quebec; but the District of St. Francis and that of Three Rivers had a larger proportionate representation than the District of Quebec.⁶²

MR. DUBORD could not understand why in the district of St. Francis 45,000 inhabitants should have as large a representation as 70,000 in the district of Quebec.⁶³

MR. PROV. SEC. MORIN said there were two reasons for this apparent injustice:

first, the townships were rapidly increasing, and second, it was necessary to do justice to all origins.⁶⁴

MR. DUBORD declared that he supposed the district of Quebec was less represented than it ought to be, but he now found that the district of Montreal was least represented. The fact was that in proportion as a district [it] was rich and populous, in ... that proportion was it badly represented under the bill. He then went over the several districts of Lower Canada, and gave the figures to illustrate his observations. This advantage he said was not given to people of English origin or of French origin; but it was especially for men of purely American origin that this great sacrifice of the rest was to be made. It was said indeed that after the bill was passed the boundaries of the counties might be changed; that would rather deceive the gentlemen from the townships. In the meantime, notwithstanding his objections to the bill, he should vote for it, even if the amendment did not carry in conformity with the will of his electors, who thought it an improvement on the present.⁶⁵

MR. STUART moved [the] resolutions and commented at some length thereon⁶⁶.

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Mr. Stuart moved in amendment to the Question, seconded by Mr. Dubord, That all the words after "now" to the end of the Question be left out, in order to add the words "recommitted to a Committee of the whole House, for the purpose of being amended, by restoring to the City and County of Quebec the limits prescribed in the said City and County, respectively, in the said Bill, as introduced into this House, and as contained therein at the time of the second reading thereof, and by providing that the said City of Quebec shall be comprized within its present limits as by Law established, and be represented in the Legislative Assembly by three Members: And that the said County of Quebec shall be divided into two Ridings to be called the First and Second Ridings of the said County of Quebec; the First whereof shall comprize that portion within the limits of the present County of Quebec commonly called and known as the Banlieue, and the Second Riding shall comprize the remaining portion of the said County within its present limits; and that each Riding shall be represented in the Legislative Assembly by one Member, as provided in respect of the County of Montreal; and that an additional Member for a Constituency in Upper Canada, be recommended by the said Committee" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Burnham, Clapham, Dixon, Dubord, Gamble, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Marchildon, Murney, Ridout, Robinson, Shaw, Smith of FRONTENAC, Stevenson, Street, Stuart, White, Willson, and Wright of West Riding of YORK.--(20.)

NAYS.

Messieurs Badgley, Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Attorney General Drummond, Dumoulin, Egan, Fergusson, Fortier, Fourmier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, McDougall, McLachlin, Merritt, Mongenais, Morin, Morrison, Paige, Patrick, Polette, Poulin, Prince, Rolph, Attorney General Richards, Rose, Sanborn, Sicotte, Smith of DURHAM, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, Wright of East Riding of YORK, and Young.--(56.)

So it passed in the Negative.

MR. INSP. GEN. HINCKS was glad to see the strange changes which had taken place; first, that Sir A. McNab had come to propose such an amendment as he had

done, based on population; next, that the member for Quebec, of⁶⁷ British origin,⁶⁸ should accuse a ministry, composed, so far as Lower Canada was concerned, of French Canadians, of too great liberality to a population of another origin. Lower Canada had rather more than her fair share of the representation, and it showed a like liberality on the part of the French members of the ministry to give a full share to the minority who had nothing to hope or expect ... from the justice and liberality of the majority. As to giving this new member to Quebec to be balanced by another to Upper Canada, if that were determined on there would be all the trouble over again to determine to what county in Canada West the other member should be given. He assured the hon. member for Lennox that he had not done injustice to his county, on the contrary, in his absence he had taken care that it should not lose one member.⁶⁹

MR. SOL. GEN. CHAUVEAU said that Quebec could not complain of the share she had in the representation, when it was shown by her own advocates that Montreal was less represented than she. As to the division of the banlieue from the city, it was inexpedient, because it would separate a population of homogenous character; besides, in the county the tenants of the banlieue would not have votes and would thus be disfranchised.⁷⁰

MR. STUART denied that he had attacked the ministry for doing more than justice to the population of British origin. He desired to know no such distinctions, but to induce the populations of all origins to be on good terms with each other. The whole of his public life was a refutation of the charge of the Inspector General. He had invariably evinced a desire to reconcile conflicting opinions; to harmonize all classes of society, and do justice to all parties. It was in this spirit he had made the motion; to obtain that measure of justice for his constituents which they had a right to claim under the proposed change of circumstances.⁷¹

The motion for the third reading of the bill was then put, when--⁷²

MR. J. A. MACDONALD (Kingston) rose and spoke at some length on the general merits of the bill. From the low tone in which he spoke, his first words were inaudible. If there is one thing, he said, to be avoided, it is meddling with the constitution of the country, which should not be altered till it is evident that the people are suffering from the effects of that constitution as it actually exists. I say (he continued) that the Government have never been called upon to bring forward this measure. The voice of the country has been silent upon it, and why? Because⁷³ the country did not want this bill;⁷⁴ the people have, under the present system, always been fairly and thoroughly represented by those whom they sent to Parliament. The representatives for the time being have always fairly represented the people by whom they were elected, and there never has been any want of sympathy between the people and their representatives. The people have always been fully represented by their 84 members⁷⁵ and ... therefore, never asked for a change.⁷⁶ The best evidence of this is that we have no petitions before us in favour of this measure; no one has asked for it. A sacrilegious hand has been placed upon our constitution, and I say that in every question put to the people, Clergy Reserves, Rectories, or what not, the people of Canada have told their representatives what course they wished them to take. Look at all the other great questions of the day that have been put to the people of Canada--are not our tables loaded with petitions regarding them? Where is there a single petition in favour of this measure from Upper Canada or from Lower Canada? Echo answers where. It has been said that this has been made a test question of this election; but if that is the real state of the case the people would have made their intentions known by petitions. I say that it is an unpardonable meddling with our constitution, to say that the members

who sit here do not fairly represent the people. The Inspector General introduced a bill which nearly doubles the number of representatives, and yet he says that the Government has no intention of putting it into effect. The only reason of that can be that he sees that the people are fairly represented by the members now sitting here. There is no reason for such a course but this, which is the only one that has ever been assigned, that the Government can buy up the members and can exercise more influence over them. The hon. the Inspector General has a most winning way of exercising an influence over the members of this House--a way much more potent than is possessed by any hon. member on this side of the House. When I had the honour of a seat in the Cabinet, I found hon. members on the other side of the House a most impracticable set, but the hon. Inspector General is a much better hand at that sort of thing. He is carrying this measure just as Lord Castlereagh carried the Union in Ireland--doing precisely the same thing. He goes about giving a member here and a member there, just picking up votes wherever he can get them, and yet the only reason ever given for this measure was that it would prevent corruption by the Government. I am not afraid of this under [sic] influence of the Government, because I believe the people of Upper Canada can take as good care of her own interests even with only 84 members as they could with three times the number. I think also that I could not vote for this measure on account of the injustice⁷⁷ in the electoral districts that would be created by it.⁷⁸ Why, sir, to think that 60,000 persons in one place are to have 6 members while 60,000 next to them are to have but 3 members!--there must be some strong reason for this extraordinary inconsistency. It is evident that the country has been cut and carved in all directions, without any regard to fairness or justice, just to obtain the requisite number of votes to carry the measure. I know that the Inspector General, if left to himself, would have done what is just and right, but he is under the influence of men to whom he dare not refuse to grant their wishes⁷⁹; as it was ... he could not help making those unfair divisions of which he (Mr. McDonald) complained.⁸⁰ As I had made up my mind to vote against this bill it is perhaps not fair that I should refer to the details, but there is one great reason why I should vote against this bill, and that is that it is not now to go into effect. Why should we now pass a bill of this import and nature which is not to come into force for three years? But I tell the Inspector General that he dare not, according to the constitution of the country, carry this idea into effect. He dare not continue the present House one moment after this bill comes into force. You not only declare that there are not a sufficient number of representatives, but you declare by the Franchise Bill that there are a large number of persons in Upper Canada who are not represented, but who ought to be represented, and yet you say now, after declaring that their rights exist, that they are not to be granted for three years to come! The Inspector General cannot give this advice to the representative of the Crown, and if he does he is unworthy of the place that he holds; and if he gives it, it will not be received. Look at the Reform Bill in England. That was passed by a Parliament that had been elected only one year before, and the moment it was passed Lord John Russell declared that the House could not continue after it had declared that the country was not properly represented.⁸¹ He could not, consistently with British principles, avoid dissolving the House, after declaring by the bill that it did not fully represent the country.⁸² How can we legislate on the Clergy Reserves until another House is assembled, if this bill passes? A great question like this cannot be left to be decided by an accidental majority. We can legislate upon no great question after we have ourselves declared that we do not represent the country. Do hon. gentlemen opposite mean to say that they will legislate on a question affecting the rights of people yet unborn, with the fag end of a Parliament dishonored by its own con-

fessions of incapacity. He (Mr. McD.) had only one thing more to say, and that was that he would recommend his hon. friend the Attorney General to look carefully into the Union Act before he consented to allow this bill to pass.⁸³

COL. PRINCE said if the country had not petitioned for the bill, it was⁸⁴ because it had been prominently before the country for a long time⁸⁵, [and] because they knew it would be passed unless they petitioned against it, and they had not petitioned against it. This was not a revolutionary measure; but a measure of improvement. In answer to what Mr. McDonald had said of the change of opinions on the part of certain members, he remarked that it was not because a man was once a tory that he was to be always a tory.⁸⁶

SIR A. MACNAB said that if the people really were in favour of the measure as was said by the hon. member for Essex, they would have⁸⁷ done as that hon. member's countrymen did in England when the reform bill was rejected--would have poured in petitions, in its favour⁸⁸ as it had already been rejected three times over, and twice with the assistance of that hon. member himself.⁸⁹

MR. MACKENZIE said that the bill had been lost because it required a two-thirds vote. There never was a bill which the people were so much in favor of, and⁹⁰ the best argument in favour of the popularity of the bill was that it had already passed three times by a majority of two-thirds less one. Though not perfect it was a good bill that would have given general satisfaction.⁹¹

The motion for the third reading of the bill was then put⁹².

(639)

*Then the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--*⁹³

(640)

YEAS.

Messieurs Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, McDougall, McLachlin, Merritt, Mongenais, Morin, Morrison, Paige, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Shaw, Sicotte, Smith of DURHAM, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Willson, Wright of East Riding of YORK, and Young.--(61.)

NAYS.

Messieurs Badgley, Burnham, Dixon, Gamble, Macdonald of KINGSTON, Marchildon, Sir A.N. MacNab, Malloch, Murney, Ridout, Robinson, Seymour, Smith of FRONTENAC, Stevenson, Street, and Wright of West Riding of YORK.--(16.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

The Honorable Mr. Morin moved, seconded by the Honorable Mr. Hincks, and the Question being put, That the Bill do pass; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Jobin, Johnson, Lacoste, Langton, LaTerrière, Laurin, LeBlanc,

Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, McDougall, McLachlin, Merritt, Mongenais, Morin, Morrison, Paige, Patrick, Polette, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sanborn, Shaw, Sicotte, Smith of DURHAM, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, Varin, Viger, White, Willson, Wright of West Riding of YORK [sic], and Young.--(61.)

NAYS.

Messieurs Badgley, Burnham, Dixon, Gamble, Macdonald of KINGSTON, Marchildon, Sir A.N. MacNab, Malloch, Murney, Ridout, Robinson, Seymour, Smith of FRONTENAC, Stevenson, Street, and Wright of West Riding of YORK.--(16.)

So it was resolved in the Affirmative.⁹⁴

Ordered, That the Honorable Mr. Morin do carry the Bill to the Legislative Council, and desire their concurrence.⁹⁵

(641)

The Order of the day for the third reading of the Bill to divide the Common of Maskinongé among the Co-proprietors thereof, being read;

Ordered, That the Bill be read the third time on Thursday the thirty-first day of March instant.

A Bill to incorporate the Ontario and Huron Railway Company, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the London and Port Sarnia Railway Company."

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to separate the Township of Georgina from the County of Ontario, and annex it to the County of York, being read;

Mr. Hartman moved, seconded by Mr. Gamble, and the Question being proposed, That the Bill be now read the third time;

Mr. Wright of the East Riding of York moved in amendment to the Question, seconded by Mr. Smith of Durham, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Hartman do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to incorporate the Hamilton and Port Dover Railway Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to remove certain doubts existing as to the true meaning and effect of the sixth Section of an Act passed during the present Session, intituled, "An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company,'" being read;

Mr. Street moved, seconded by Sir Allan N. MacNab, and the Question being proposed, That the Bill be now read the third time;⁹⁶

MR. INSP. GEN. HINCKS explained that the Bank of Upper Canada had at one time a claim of £16,000 against the Niagara Harbour and Dock Company, and under a judgment obtained by them for that amount from a Court of Law, sold that property, which produced the sum of only £10,000. The property now lay neglected, and was daily deteriorating in value. There were a number of judgment creditors, having claims amounting to £4,000, and the question was, whether the proposed measure was one consistent with the interests of creditors generally.⁹⁷

MR. MERRITT stated, he objected to the House conferring further powers without guarding the creditors. The Bank of Upper Canada ought to call the creditors together, and investigate their claims, and say, "here is a bankrupt estate, we will divide with you." He did not think that the situation of the case was understood. He was not aware that the stock of the Company had been paid up.⁹⁸

MR. STREET.--That was not true, the stock had been paid up. The speculation had been unfortunate, it was true.⁹⁹

MR. MERRITT had other objections.¹⁰⁰

MR. STREET said he was once a stockholder in that company, and therefore he had had the opportunity of satisfying himself, as was the case, that the stock had been paid up; but if that were not the fact, it certainly might be a reason for the legislature not giving the relief prayed for. Another reason that had been given why that relief should be withheld was, that the Bank of Upper Canada was not the principal creditor. The whole object of the bill was to confer upon the purchaser from the Bank of Upper Canada the powers that were held by the original company.¹⁰¹

MR. MERRITT declared it to be a renewal of the charter.¹⁰²

MR. STREET said, it was not the object of that bill to destroy the interests of the creditors by extinguishing their debts, but it provided, that when the property should be transferred, no claim should come upon the bank, but that the claims should be, as they always have been for years past, claims out of which the parties can realize nothing, for there is nothing belonging to the Niagara Harbour and Dock Company out of which their debts could be paid, and why stand in the way of that property being transferred to some bona fide purchasers, simply because of the claims of those persons.¹⁰³

MR. BROWN objected to the bill upon the ground that it was a matter for the decision of a court of law; it was not for the Legislature to decide claims between creditors.¹⁰⁴

MR. MACKENZIE said, that petty advantages were endeavoured to be taken by the House by the measure. He then moved in amendment, that the bill be read a third time this day week.¹⁰⁵

(641)

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. White, That the word "now" be left out, and the words "this day week" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Mackenzie, Merritt, and White.--(3.)

(642)

NAYS.

Messieurs Badgley, Brown, Burnham, Cameron, Cartier, Cauchon, Chapais, Christie

of WENTWORTH, Crawford, Egan, Fournier, Hartman, Hincks, Jobin, Johnson, Langton, Laurin, McDonald of KINGSTON [sic], Sir A.N. MacNab, Malloch, Mattice, Mongenais, Morin, Morrison, Murney, Ridout, Seymour, Stevenson, Street, Taché, Turcotte, and Valois.--(32.)

So it passed in the Negative.

MR. AT. GEN. RICHARDS (West)--The hon. member for Lincoln had admitted that the creditors have no legal claim or redress. Suppose that instead of the Bank of Upper Canada making the purchase, five gentlemen came forward and bought the property, would they have required this Act, or would the creditors have been able to obtain a single shilling from them?¹⁰⁶

MR. INSP. GEN. HINCKS spoke again in favour of the bill.¹⁰⁷

MR. LANGTON contended that the bill did not alter the position of the question--it only gave effect to past legislation.¹⁰⁸

MR. MORRISON supported the bill.¹⁰⁹

MR. BROWN said that all which had fallen from the hon. gentlemen only convinced him the more strongly that this was not a question for legislative action. Hon. gentlemen made very wrong statements as to the position of the property in question, and the claims of the several creditors to that property, and he had no doubt that they were quite sincere and disinterested in those statements. But surely it would not be contended that a decision should be given by this House upon the rival claims of creditors in a bankrupt estate--and that on the mere ex parte statements of hon. gentlemen on either side? If ever there was a question peculiarly fitted for decision by the Courts of Law, this was one. The hon. member for Peterborough contended that the matter had already been legislated upon, but if he would turn to the statutes he would find that the step we are now asked to take, goes far beyond what has hitherto been done. The Act he alludes to is the 16 Vic. cap. 70; that Act authorized Mr. Clarke Gamble, as Trustee of the Niagara Dock Company to convey to certain parties--understood to be Zimmerman and others--all rights to be held in the property of the said Company--but, by the 6th clause of that Act, it is expressly provided that "Nothing in this Act contained shall be construed to interfere with or annul [sic] any existing legal rights of any creditor or other person or persons having claims against the said Company, or of any person or persons to whom any such rights may have been transferred." It has been found that this saving clause for the other creditors prevents the sale to Mr. Zimmerman; and the present application is that we shall negative it and declare "that no creditor of the Niagara Harbour and Dock Company shall, as such creditor, or by reason of any right as such, have or maintain any claim, or recourse against any of the property in the said Act referred to." He (Mr. Brown) did think it extraordinary that an application should be made to Parliament to legislate away the rights of creditors in this fashion--and he could not believe that the proposal would be entertained for one moment. What right had this House to extinguish any just claim which parties might have by law or equity to this property? The hon. gentlemen who sustain the bill say that they do not wish to legislate away the rights of anybody--but that the 6th clause (which I have quoted) gives rights which the parties never had before. In that case, all that they have to do is to frame their bill to meet that point; and not (as they have done) to rob the parties of all rights.¹¹⁰

MR. MACKENZIE spoke at some length in favour of the creditors, one of whom, he stated, was a particular friend of his¹¹¹.

MR. INSP. GEN. HINCKS thought that the position taken up by the hon. member for Haldimand, was caused by the circumstance of his having only a regard for the interests of a person and a political friend of his by the name of "Marshall."

The hon. member had spoken very strongly, but he must not think it possible to swindle these parties out of their rights. (Hear, hear.) If that was the hon. member's idea, it was a mistake.¹¹²

MR. MACKENZIE, in an excited tone, said he hoped that the House would interfere to prevent the use of such language as that just uttered. He did not think the word "swindle" should be used by any member of that House, and especially by the hon. Inspector General, and he should expect that gentleman to recall that harsh expression. He had no right to use such a word. (Hear, hear.)¹¹³

MR. INSP. GEN. HINCKS did not think he was mistaken in expressing his views, for the hon. member for Haldimand had most distinctly stated that he wished to protect his friend Mr. Marshall. He thought that some legislation upon this matter was required as there were some difficulties about the disposal of the property in question, and he did not see why they should be forced to give any parties something or other, to which they have no right. If the hon. member for Kent would give him his attention, he would endeavour to make him understand the point.¹¹⁴

MR. BROWN perfectly understood it. Parliament was asked to legislate away the rights of creditors for the benefit of certain other creditors. (Hear, hear.)¹¹⁵

MR. INSP. GEN. HINCKS.--The Bank of Upper Canada, as he had before stated, had acquired possession of the Niagara Harbour and Dock Company under execution, and held that property which was originally in the possession of that incorporated company, for a number of years. The Bank held out for the full amount of their debt, but at last agreed to sell at a large loss. The position of the property stands in the way of the sale. The property is deteriorating in value every day, and hon. gentlemen say it shall remain, and not a shilling be expended upon it. The necessity for the bill arises from this. If the judgment creditors (without the protection of this bill) were to go, by any possibility, and spend money in improving the property, notwithstanding the prior claim of the Bank, the other creditors might at a future period with their claims come in. In the present state of things those creditors could get no redress on account of the property having been sold for less than the amount of the judgment obtained by the Bank. He therefore thought, under these circumstances that it was a fit subject for legislation.¹¹⁶

MR. BROWN: How could the judgment creditors come in?¹¹⁷

MR. INSP. GEN. HINCKS: By paying off at a future time all the debts.¹¹⁸

MR. BROWN: Would they have a legal right to do this?¹¹⁹

MR. INSP. GEN. HINCKS: If anybody were to lay out their money on the property and improve it they would have the right to do so; and were such a case possible, the argument of the hon. gentlemen would be all very well; but nobody would lay out one shilling until the legislative power had been exercised.¹²⁰

MR. BROWN: Do I understand the Inspector General to say that the position of matters is such that if the property of the Niagara Dock Company should at some future day, by the force of circumstances, rise in value so as to justify the expenditure, the general creditors of the company might come in, pay off the debt of the Bank, take possession of the property, and pay off their own debts?¹²¹

MR. INSP. GEN. HINCKS thought they might do so, if parties were to expend money in the improvement of the property.¹²²

MR. BROWN: Then the hon. gentleman must see that these creditors have a clear, equitable interest in this property, and that it would be the height of

injustice to legislate it away from them.¹²³

SIR A. MACNAB understood that all the interest which the company had was parted with at the sale. The claims were against the original holders of the property.¹²⁴

MR. BROWN did not see how it was possible for the legislature to take away from the creditors rights they undoubtedly possessed. These parties, whoever they were, have evidently got the whip hand of the judgment creditor; and hard as the case might be upon the judgment creditor, the legal rights of parties could not be interfered with.¹²⁵

MR. LANGTON.--The confusion had arisen from the insertion of a clause at the beginning of the session which was not at all wanting, and it appeared to him, that if it had not been put in, it would not have done away with the rights which the creditors had before. It was very possible there might have been some other equitable claims upon the property than those alluded to. Proper attention bestowed on it would render it very valuable and beneficial to the country, and it had been said that nobody would like to spend their money upon it, with the chance of having creditors come in afterwards. He did not deny that it would be advantageous to give a parliamentary title to it, but that could only be done after due consideration and full knowledge of all the circumstances in relation to it. If the original creditors had any claim, they should not be abolished without full inquiry. The objects of both parties would be met by an amendment he would propose. He did not believe that any of those creditors would have attempted to recover their debts from the property unless they had thought they could. He would move that the bill be recommitted to a committee of the whole House, for the purpose of leaving out all after the words "enacted" to the end of the Bill, and inserting the words "That nothing in the said Act or in the Sixth Section thereof was intended, or shall be construed, to give to any such creditor, any claim or recourse upon any of the property in the said act referred to than such creditor would have had in law or equity, if the said act had never been passed." That amendment would leave the creditors just as they were before the passing of the Act, and protect the present owners.¹²⁶

(642)

And the Question being again proposed, That the Bill be now read the third time;

Mr. Langton moved in amendment to the Question, seconded by Mr. Brown, That all the words after "now" to the end of the Question be left out, in order to add the words "recommitted to a Committee of the whole House, for the purpose of leaving out from the word 'enacted' to the end of the Bill, and inserting the words 'that nothing in the said Act or in the sixth Section thereof was intended, or shall be construed, to give to any such creditor, any claim or recourse upon any of the property in the said Act referred to, than such creditor would have had in law or equity, if the said Act had never been passed'" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Cauchon, Christie of WENTWORTH, Gouin, Hartman, Langton, Macdonald of KINGSTON, Mackenzie, Merritt, Ridout, Valois, White, and Wright of East Riding of YORK.--(13.)

NAYS.

Messieurs Badgley, Burnham, Cameron, Cartier, Chapais, Crawford, Egan, Fournier, Hincks, Jobin, Johnson, Sir A.N. MacNab, Malloch, Mattice, Mongenais, Morin, Morrison, Seymour, Sicotte, Stevenson, Street, Taché, and Turcotte.--(23.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Mr. Street moved, seconded by Mr. Morrison, and the Question being put, That the Bill do pass, and the Title be, "An Act to remove certain doubts existing as to the true meaning and effect of the sixth Section of the Act passed during the present Session, intituled, 'An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company;'" the House divided: and the names being called for, they were taken down, as follow:--

(642-643)

YEAS.

Messieurs Badgley, Burnham, Cameron, Cartier, Chapais, Crawford, Egan, Fournier, Hincks, Jobin, Johnson, Sir A.N. MacNab, Malloch, Mattice, Mongenais, Morin, Morrison, Sicotte, Stevenson, Street, Taché, and Turcotte.--(22.)

(643)

NAYS.

Messieurs Brown, Cauchon, Christie of WENTWORTH, Gouin, Hartman, Langton, Macdonald of KINGSTON, Mackenzie, Merritt, Valois, White, and Wright of East Riding of YORK.--(12.)

So it was resolved in the Affirmative.

Ordered, That Mr. Street do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day being read, for resuming the adjourned Debate on the Question which was, on Friday the eleventh day of March instant, proposed, That the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof, be now read a second time;

Ordered, That the said Order be postponed until To-morrow, and be then the first Order of the day.

The Order of the day for taking into consideration the Reasons of absence of such Members as were not present at the call of the House on the first day of March instant, being read;

Ordered, That the said Order of the day be postponed until Wednesday the sixth day of April next.

On motion of the Honorable Mr. Morin, seconded by the Honorable Mr. Hincks, Resolved, That this House will, at the rising of the House To-morrow, adjourn till Tuesday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Cameron, seconded by the Honorable Mr. Morin,

The House adjourned.

APPENDIX: 23 MARCH 1853.

[QUESTION AND ANSWERS RE: OTTAWA AND GEORGIAN BAY SURVEY;
CREDITORS OF INDIANS; CLERGY RESERVE FUND OF U.C.]¹²⁷

MR. MACKENZIE [asked a question]¹²⁸.

In answer ... MR. INSP. GEN. HINCKS said that the season of the year had prevented any steps being taken by the Government, in consequence of the Address of this House on the 8th November, 1852, relative to a Survey of the Country between the Ottawa and Georgian Bay, and that it was intended to grant lots free to settlers.

Also, that a speedy settlement was expected in default of which a bill would be introduced to restore the rights of Creditors of Indians on the Grand River; taken away by the 3rd Section of the 13th and 14th Vic.¹²⁹ [OR] 13 and 11 Vic. cap. 4¹³⁰.

Also, that in the public accounts for 1852,¹³¹ about to be submitted to the House would be found detailed Statements of the Clergy Reserves Fund of Upper Canada, and of Lower Canada, with the Sales, Leases, Receipts, Payments, Interests, &c.¹³²

[QUESTION AND ANSWER RE: LEGISLATIVE COUNCIL.]¹³³

MR. STUART [asked a question]¹³⁴.

MR. PROV. SEC. MORIN in answer ... [said] that [the] ministry had not abandoned their scheme, for rendering the Legislative Council elective.¹³⁵

[QUESTION AND ANSWER RE: KINGSTON AND LACHINE TUG LINE.]¹³⁶

MR. H. SMITH [asked a question]¹³⁷.

MR. COM. PUB. WORKS CHABOT in answer ... said that advertisements had been issued for tenders for steamboats for a Tug line between Kingston and Lachine. No advertisement had yet appeared informing the Trade of the rates of Toll because the rates were not yet determined on.¹³⁸

[QUESTION AND ANSWER RE: BEAUHARNOIS CANAL.]¹³⁹

MR. ROBINSON [asked a question]¹⁴⁰.

MR. COM. PUB. WORKS CHABOT in answer ... [said] that it was not intended to act in opposition to the views of his predecessors on the subject of payments for damages on the Beauharnois Canal.¹⁴¹

[MOTION FOR VARIOUS RETURNS; WITHDRAWN MOTION RELATIVE TO THE
INDIAN DEPARTMENT.]¹⁴²

MR. MACKENZIE moved for papers connected with disputes relative to the Indian Claims, on the Grand River. Also with respect to water lots ... [in] Bytown. Also for a Statement and Expenditure on the Rideau Canal for the year 1851; also, for Receipts and Expenditure of the Indian Department, and for certain other Returns relative to Railways for the ye[a]rs 1849, 1850, and 1851.¹⁴³

MR. INSP. GEN. HINCKS said that this was an omnibus motion made to catch as many members as possible by taking in anything. Now as to the Rideau Canal, it was a work made by the Imperial Government with which Canada had nothing to do. All such motions as these therefore were likely to make this expensive work be thrown on the Province, and then the House would have a good opportunity to know

what the expenses were. He did not wish the government to be made the medium of applying for information which might be refused. The house had applied for information to the Canada Company without much success, and the experiment was better not to be repeated. As to the Indian question it was entirely under the control of the Imperial government, and on his applying for information he had been told by Col. Prince¹⁴⁴, the Superintendent of Indian affairs,¹⁴⁵ that he had no objection to give it; but had no clerks, nor the means of employing any to make out the returns. However, it was only right as much as possible to avoid interference with these Indian affairs, for the Indians had no representation, and of course in all disputes between them and the whites, the whites had an unfair share of power in the House. It was for this reason that the Imperial government, at the request of Lord Metcalfe, had taken these affairs into their own hands. No doubt if wrong were done to the whites, the government would be bound to protect them; but in this matter the government were quite ready to be responsible for what had been done, because they were sure it was based in justice. Then as to the investment of Indian monies in the Welland Canal, that again was a thing the Provincial Government had nothing to do with, and could give no information about; nor did he see why the hon. member for Haldimand should ask for it unless he stood up as the champion of the Indians.¹⁴⁶ How could this Government apply to the Imperial Government for an account of the way it spent its own money? If there were any information wanted on any subject, which the Provincial Government could exercise influence over, he would not oppose a motion for that purpose. As to the lots at Bytown, they were in the hands of the Ordnance department, and the Provincial Government had nothing to do with them.¹⁴⁷

COL. PRINCE considered the Indians in his neighbourhood in all respects equal in intellect and business qualities and in education to the white men who lived among them, and yet so absurd were the regulations by which they were surrounded that he could not ask one of those men to take a glass of whiskey punch in his own house, without a fine of £5¹⁴⁸.

Laughter and cries of the Maine liquor law.¹⁴⁹

COL. PRINCE [continued:] That was not passed yet; but what he wanted to say was that he would, after the recess, bring in a law to put the Indians on the same footing as the white. He did not mean that he would take their freeholds away, but that he would take away some of the privileges which they had superior to those of the white men, such as the privilege of hunting at unseasonable times, though they were too good sportsmen to do so; such as the privilege under some circumstances of not paying their debts; and such as the right to rescind their leases, &c.¹⁵⁰

MR. MACKENZIE contended that all information ought to be given to Parliament when it was asked for, and he read an extract from the Pilot of 1848,¹⁵¹ when under the control of Mr. Hincks,¹⁵² alleging that full information concerning the Indian department ought to be gone into. After that these accounts were produced and printed in the most minute detail by Mr. R. Campbell in 1845. What change then had taken place now, that what was right in 1845 and 1847 was wrong in 1853? It was evident, however, the hon. Inspector General was acting under superior instructions. For himself, 160 of his constituents were Indians.¹⁵³

MR. MERRITT supported the hon. Inspector General in the remarks that he had made with regard to the Indian affairs which were entirely beyond the control of the Provincial Parliament.¹⁵⁴

MR. BROWN entirely dissented from the doctrine enunciated by the hon. Inspector General, and other speakers--he conceived it a monstrous proposition to

say, that the Government and Legislature of this country had nothing to do with the Indian department, and were not entitled to inquire into the effect of the measures of that department, on the general prosperity of the country. The Indian lands were extensive and valuable in many parts of the country--these lands were locked up from cultivation, and greatly retarded the improvement of the counties in which they were situated--and yet we were told that we had nothing to do with the question? Only recently in the Township of Tuscarora, the management of those lands had threatened almost a civil war in the country--and yet the Government attempted to say that they had nothing to do with the matter! If such was the fact, it was full time the condition of matters was changed, and power over so important an interest vested in the local Government. The hon. member for Haldimand says, that but 166 [sic] of his constituents are Indians, and yet there are 70,000 acres of the finest land in the Province left wild and worse than useless in the Township of Tuscarora; in the Township of Oxford, in the County of Kent, there was another large Indian tract held back from cultivation--in the county of Lambton there was another--in Huron another--in Lennox and Addington another--and in various other parts of the country to the injury of the community, and doing no real benefit to the Indians. It was full time that the whole question were taken up and definitely settled. He (Mr. Brown) had the fullest confidence in the good intentions of the distinguished gentleman of the head of the Indian affairs; he was quite ready to admit that that hon. gentleman, while anxiously alive to the interests of the Indians, took a broad and liberal view of the effect produced by the Indian Reserves on the progress of the country, and was willing to acquiesce in whatever might be conceived was for the public interest. But he (Mr. Brown) did think that the chief superintendent obtained his information in many cases from local officers, who were deeply interested in perpetuating the existing state of affairs, and who did not present the evils arising from the system in the strong light with which disinterested parties regarded them. In regard to the Tuscarora matter, he (Mr. Brown) had been long of opinion that¹⁵⁵ the motion relative to the Tuscarora Indians would be separated from the rest, and that¹⁵⁶ a Government commission should have been issued to inquire and report upon the best means of finally settling the difficulties that had arisen--and he thought the result would be that facts would be brought to light presenting a very different case from that now supported by the Government. He understood that the papers sought for by the hon. member for Haldimand were intended to form the groundwork of a demand for such an inquiry; the Indian Department had the papers in their possession; there could be no objection in withholding them and he therefore thought the Inspector General quite unwarranted in intrenching himself behind the defences he had raised, and refusing these papers. He (Mr. Brown) would be the last man to do injustice to the Indian; the red race had received very harsh usage from the hands of the whites on this continent; from participation in that ill-treatment the people of Canada were yet free, and he hoped they would ever continue so. But at the same time he did not think that a false sense of delicacy should prevent the removal of evils which conferred no benefit on the Indian. He did hope that some plan might be suggested which would throw open the Indian Lands to civilization¹⁵⁷ so as to bring those lands into more useful occupation¹⁵⁸, and yet secure comfort and justice to the Indian. With regard to the Rideau Canal, to which the member for Haldimand sought returns, he (Mr. Brown) thought the same line of argument applied in a great measure. The Rideau Canal was a work of very great importance to the locality through which it passed; its good or bad management might seriously affect the best interests of that section of the country, and he thought it a monstrous proposition to say that the Government was not entitled to full returns of the operations of ... that great work. The supposition that the Ordnance Department would refuse the desired statement

he felt persuaded was altogether delusive, and that a letter from the Clerk of the House would readily procure the required information. The hon. gentleman concluded by suggesting that the member for Haldimand should alter the phraseology of his motion, and intimated that he would support the motion.¹⁵⁹

SIR A. MACNAB took a similar view of the motion with the last speaker, and suggested that the wording should be altered.¹⁶⁰

MR. INSP. GEN. HINCKS reiterated his former statement as to the inability of the Government to interfere in the matter, and¹⁶¹ [suggested] that the motion might be allowed to pass another day and in another shape.¹⁶²

MR. MACKENZIE withdrew his motion intending to bring it forward in another shape.¹⁶³

FOOTNOTES: 23 MARCH 1853.

1. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 March 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, and HAMILTON SPECTATOR WEEKLY, 7 April 1853. The debate was also reported by GLOBE, 12 April 1853.
2. MORNING CHRONICLE, 25 March 1853.
3. IBID.
4. GLOBE, 12 April 1853.
5. MORNING CHRONICLE, 25 March 1853.
6. GLOBE, 12 April 1853.
7. IBID.
8. MORNING CHRONICLE, 25 March 1853.
9. IBID.
10. GLOBE, 12 April 1853.
11. MORNING CHRONICLE, 25 March 1853.
12. GLOBE, 12 April 1853.
13. MORNING CHRONICLE, 25 March 1853.
14. GLOBE, 12 April 1853.
15. MORNING CHRONICLE, 25 March 1853.
16. IBID.
17. GLOBE, 12 April 1853.
18. The following papers reported the full text of the Act in partially identical accounts, commenting that "It is understood it will be sanctioned by the Governor General to-morrow. In view of its commercial importance we give it at length.": HAMILTON SPECTATOR DAILY, 24 March 1853, GLOBE, 24 March 1853, and HAMILTON SPECTATOR WEEKLY, 31 March 1853. EXAMINER, 30 March 1853, and LA MINERVE, 24 March 1853, noted the passing of the Act.
19. The following papers reported the exchange on this matter in identical accounts: MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 April 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, and HAMILTON SPECTATOR WEEKLY, 7 April 1853. BRITISH WHIG, 24 March 1853, noted that "Mr. Stewart introduced a bill to repeal the Law Acts."
20. MORNING CHRONICLE, 25 March 1853.
21. IBID.
22. IBID.
23. IBID.
24. GLOBE, 12 April 1853.
25. The following papers reported that "Messrs. Boutillier [sic], Boulton, Galt, Papineau, Lyon, Jas. Smith, O. Leblanc, and Johnston" were absent from the House: MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 April 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, NORTH AMERICAN SEMI-WEEKLY, 5 April 1853, and NORTH AMERICAN WEEKLY, 7 April 1853.
26. HAMILTON SPECTATOR SEMI-WEEKLY, 30 March 1853, copying from the Toronto GLOBE (of unknown date) reported a complete list of classifications of the Electoral Districts for Ridings in Upper Canada.
27. The following papers reported Messrs. Morin and MacNab's amendments in partially identical accounts: MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 April 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY,

- 2 April 1853, HAMILTON SPECTATOR WEEKLY, 7 April 1853, NORTH AMERICAN SEMI-WEEKLY, 5 April 1853, and NORTH AMERICAN WEEKLY, 7 April 1853. They were also reported by GLOBE, 12 April 1853. A commentary appeared in NORTH AMERICAN SEMI-WEEKLY, 1 April 1853.
28. MORNING CHRONICLE, 25 March 1853.
 29. GLOBE, 12 April 1853.
 30. MORNING CHRONICLE, 25 March 1853.
 31. GLOBE, 12 April 1853.
 32. MORNING CHRONICLE, 25 March 1853.
 33. GLOBE, 12 April 1853.
 34. Mr. Smith's amendment was only reported by GLOBE, 12 April 1853.
 35. GLOBE, 12 April 1853, reported "Lots Nos. 15 and 16."
 36. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 April 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, HAMILTON SPECTATOR WEEKLY, 7 April 1853, NORTH AMERICAN SEMI-WEEKLY, 5 April 1853, and NORTH AMERICAN WEEKLY, 7 April 1853. The debate was also reported by GLOBE, 12 April 1853. Commentaries appeared in: HAMILTON SPECTATOR DAILY 26, 29 March 1853; and BRITISH WHIG, 9 April 1853.
- This discussion followed Mr. Smith of Durham's amendment in the account of GLOBE, 12 April 1853. It followed Mr. MacNab's amendment in the account of MORNING CHRONICLE, 25 March 1853. The reconstruction here is arbitrary.
37. GLOBE, 12 April 1853.
 38. MORNING CHRONICLE, 25 March 1853.
 39. GLOBE, 12 April 1853.
 40. MORNING CHRONICLE, 25 March 1853.
 41. GLOBE, 12 April 1853.
 42. MORNING CHRONICLE, 25 March 1853.
 43. GLOBE, 12 April 1853.
 44. GLOBE, 12 April 1853. HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, commented that: "... we would advise the Conservatives to be prepared for an early dissolution. There must be no dissension among the leaders--no divisions in the ranks--if a sincere desire is entertained to overthrow the most corrupt, unprincipled and reckless government which has ever been fastened upon a country--and to oust from honorable positions men who have falsified every promise made on the hustings, and rendered representative government a mockery and farce. An election will take place during the present year, so surely as the representation bill becomes law, notwithstanding the promises of Mr. Hincks, and the entreaties of those who have degraded themselves to serve him. Are the Conservatives of the West prepared for the contest?"
 45. GLOBE, 12 April 1853.
 46. GLOBE, 12 April 1853. MORNING CHRONICLE, 25 March 1853, reported populations of 59,000 and 61,000.
 47. GLOBE, 12 April 1853.
 48. MORNING CHRONICLE, 25 April 1853.
 49. GLOBE, 12 April 1853.
 50. MORNING CHRONICLE, 25 April 1853.
 51. GLOBE, 12 April 1853.
 52. MORNING CHRONICLE, 25 April 1853.
 53. GLOBE, 12 April 1853.
 54. MORNING CHRONICLE, 25 March 1853.

55. IBID.
56. GLOBE, 12 April 1853.
57. MORNING CHRONICLE, 25 March 1853.
58. GLOBE, 12 April 1853.
59. MORNING CHRONICLE, 25 March 1853.
60. GLOBE, 12 April 1853.
61. The following papers reported the exchange on Mr. Stuart's amendment in partially identical accounts: MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 April 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, HAMILTON SPECTATOR WEEKLY, 7 April 1853, NORTH AMERICAN WEEKLY, 7 April 1853. All except MORNING CHRONICLE, 25 March 1853, attributed this amendment to Mr. Smith of Durham.
62. MORNING CHRONICLE, 25 March 1853.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. PILOT, 31 March 1853. MORNING CHRONICLE, 25 March 1853, reported of "French origin."
69. MORNING CHRONICLE, 25 March 1853.
70. IBID.
71. IBID.
72. GLOBE, 12 April 1853. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 April 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, HAMILTON SPECTATOR WEEKLY, 7 April 1853, and NORTH AMERICAN WEEKLY, 7 April 1853. The debate was also reported by GLOBE, 12 April 1853. The following papers included identical commentaries relative to the overall proceedings of the House leading to the third reading of the Bill: HAMILTON SPECTATOR DAILY, 26 March 1853, GLOBE, 26 March 1853, HAMILTON SPECTATOR WEEKLY, 31 March 1853, and LA MINERVE, 26 March 1853. Additional commentaries appeared in identical accounts in the following papers: HAMILTON SPECTATOR DAILY, 29 March 1853, HAMILTON SPECTATOR WEEKLY, 31 March 1853 (in a separate account), and HAMILTON SPECTATOR SEMI-WEEKLY, 30 March 1853. Commentaries also appeared in: HAMILTON SPECTATOR SEMI-WEEKLY, 23 March 1853 (which quoted from BRANT HERALD of unknown date); BRITISH COLONIST, 1 April 1853 (in a separate account); NORTH AMERICAN SEMI-WEEKLY, 1 April 1853; and HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853 (in a separate account). HAMILTON SPECTATOR SEMI-WEEKLY, 23 March 1853, in reference to the numerous commentaries which appeared, stated that: "This Bill, which comes up for a third reading to-night, has elicited from our contemporaries of all shades of politics, opinions of a diversified character. The out and out Ministerial journals support the Bill in all its bearings, and consider it just the thing wanted by the country; others again are willing to accept it without the grouping of towns; but there is an apparent desire manifested by all, that representation should be based on population."
73. GLOBE, 12 April 1853.
74. MORNING CHRONICLE, 25 March 1853.
75. GLOBE, 12 April 1853.
76. MORNING CHRONICLE, 25 March 1853.
77. GLOBE, 12 April 1853.

78. MORNING CHRONICLE, 25 March 1853.
79. GLOBE, 12 April 1853.
80. MORNING CHRONICLE, 25 March 1853.
81. GLOBE, 12 April 1853.
82. MORNING CHRONICLE, 25 March 1853.
83. GLOBE, 12 April 1853.
84. MORNING CHRONICLE, 25 March 1853.
85. GLOBE, 12 April 1853.
86. MORNING CHRONICLE, 25 March 1853.
87. GLOBE, 12 April 1853.
88. MORNING CHRONICLE, 25 March 1853.
89. GLOBE, 12 April 1853.
90. IBID.
91. MORNING CHRONICLE, 25 March 1853.
92. GLOBE, 12 April 1853.
93. The reporter for BRITISH COLONIST, 1 April 1853, described the excitement of the House when the vote was cast: "The excitement that prevailed during the whole evening was intense. The galleries were crowded to excess, and crowds who could not obtain admittance were turned away. The House was unusually full. Only five members were absent, Messrs. Boulton, Galt, LeBoutillier, Lyon, and Papineau. Various amendments offered were rejected, and the debate was pretty animated, considering that it consisted in the drumming over old things that had been said fifty times before. Doubts existed in the minds of some pretty keen politicians, who sat near me, up to the last moment, if the bill would receive 56 votes. I must, however, say, I did not participate in these doubts. In this state of things the Speaker put the question for the third reading of the bill, and it was intensely exciting to see such a cloud of gentlemen stand up for that motion. Before the Clerk had registered the votes, the result was no longer doubtful; but as soon as the vote was called out, there was clapping of hands, and loud shouting of cheers, in which the gallery joined, while one or two members shouted 'hurrah.' One or two other voices said, 'No more Tories now.' Thus passed the Representation Bill in the House."
94. HAMILTON SPECTATOR DAILY, 26 March 1853, reported that "the Representation Bill was carried by a large majority, at about 9½ o'clock."
95. HAMILTON SPECTATOR DAILY, 29 March 1853, stated that: "The 'great triumph' although it gives an increase of 41 members to Upper Canada, it also increases the expenses of Parliament £41 per day while in session, for members' pay only! This is a matter of no light consideration, when we calculate on the services the additional 41 members are likely to render. We are very much afraid Upper Canada will not receive an equivalent for the additional tax."
96. The debate on this matter was reported by GLOBE, 12 April 1853. The following papers noted that the third reading of the bill followed a "long discussion": MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 April 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, NORTH AMERICAN SEMI-WEEKLY, 5 April 1853, HAMILTON SPECTATOR WEEKLY, 7 April 1853, and NORTH AMERICAN WEEKLY, 7 April 1853.
97. GLOBE, 12 April 1853.
98. IBID.
99. IBID.
100. IBID.
101. IBID.
102. IBID.

103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. IBID.
111. IBID.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. IBID.
126. IBID.
127. The following papers reported this Question and Answer in partially identical accounts: HAMILTON SPECTATOR DAILY, 24 March 1853, GLOBE, 24 March 1853, BRITISH WHIG, 24 March 1853, EXAMINER, 30 March 1853, HAMILTON SPECTATOR WEEKLY, 31 March 1853, and LA MINERVE, 24 March 1853; MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 April 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, HAMILTON SPECTATOR WEEKLY, 7 April 1853, and GLOBE, 12 April 1853.
128. MORNING CHRONICLE, 25 March 1853.
129. IBID.
130. HAMILTON SPECTATOR DAILY, 24 March 1853.
131. MORNING CHRONICLE, 25 March 1853. MONTREAL GAZETTE, 28 March 1853, reported "1853."
132. MORNING CHRONICLE, 25 March 1853.
133. The following papers reported this Question and Answer in identical accounts: HAMILTON SPECTATOR DAILY, 24 March 1853, GLOBE, 24 March 1853, BRITISH WHIG, 24 March 1853, EXAMINER, 30 March 1853, HAMILTON SPECTATOR WEEKLY, 31 March 1853, and LA MINERVE, 24 March 1853; MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 April 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, and HAMILTON SPECTATOR WEEKLY, 7 April 1853.
134. MORNING CHRONICLE, 25 March 1853.
135. IBID.
136. The following papers reported this Question and Answer in identical accounts: MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 April 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, and HAMILTON SPECTATOR WEEKLY, 7 April 1853.
137. MORNING CHRONICLE, 25 March 1853.
138. IBID.

139. The following papers reported this Question and Answer in identical accounts: MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 April 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, and HAMILTON SPECTATOR WEEKLY, 7 April 1853.
140. MORNING CHRONICLE, 25 March 1853.
141. IBID.
142. The following papers reported this Motion and Withdrawn Motion in partially identical accounts: MORNING CHRONICLE, 25 March 1853, MONTREAL GAZETTE, 28 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 1 April 1853, HAMILTON SPECTATOR DAILY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, NORTH AMERICAN SEMI-WEEKLY, 5 April 1853, HAMILTON SPECTATOR WEEKLY, 7 April 1853, and NORTH AMERICAN WEEKLY, 7 April 1853. The debate was also reported by GLOBE, 12 April 1853.
143. MORNING CHRONICLE, 25 March 1853.
144. IBID.
145. GLOBE, 12 April 1853.
146. MORNING CHRONICLE, 25 March 1853.
147. GLOBE, 12 April 1853.
148. MORNING CHRONICLE, 25 March 1853.
149. IBID.
150. IBID.
151. IBID.
152. GLOBE, 12 April 1853.
153. MORNING CHRONICLE, 25 March 1853.
154. GLOBE, 12 April 1853.
155. IBID.
156. MORNING CHRONICLE, 25 March 1853.
157. GLOBE, 12 April 1853.
158. MORNING CHRONICLE, 25 March 1853.
159. GLOBE, 12 April 1853.
160. IBID.
161. IBID.
162. MORNING CHRONICLE, 25 March 1853.
163. GLOBE, 12 April 1853.

THURSDAY, 24 MARCH 1853.

(643)

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Wright of the East Riding of York,--The Petition of the Municipalities of the Townships of Pickering and Scarborough; and the Petition of George Tait and others, of the Townships of Pickering and Scarborough.

By the Honorable Mr. Badgley,--The Petition of John Greenshields and others, Depositors in the Montreal Provident and Savings Bank.

By Mr. Egan,--The Petition of W.M. Dole, Esquire, and others, of Municipality Number two, of the County of Ottawa.

By Mr. Brown,--The Petition of the Provisional Municipal Council of the County of Lambton; the Petition of Peter McCallum and others, of the Township of Bosanquet, County of Lambton; and the Petition of Mrs. Marie Anne Robitaille, widow of the late Antoine B. Belleville, of the Parish of La Malbaie, County of Saguenay.

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By Mr. Sanborn,--The Petition of Joseph S. Walton, of Sherbrooke; the Petition of R.D. Morkill and others, Trustees of the Sherbrooke Academy; and the Petition of A.J. Parker, Chairman, and William Scott, Secretary, on behalf of an Association of Ministers and Laymen of various Evangelical Churches within the bounds of the District of St. Francis.

By Sir Allan N. MacNab,--The Petition of G.W. Wicksteed, Esquire, Law Clerk, and English Translator to this House.

By Mr. Christie of Gaspé,--The Petition of James Armstrong, of the Parish and District of Montreal, Esquire.

Pursuant to the Order of the day, the following Petitions were read:--

Of J.D. Armstrong, Esquire, and others, of the Parish of Sorel, District of Montreal; praying that the Act amending the Ordinance relating to Winter Roads, and to prevent the use of Traines in Lower Canada, may be repealed, and that the said Ordinance may be declared to be in full force and effect.

Of John Black, Clerk to the Registrar, and William Stanley, Clerk to the Master of the Court of Chancery for Upper Canada; representing the insufficiency of their present Salaries for the maintenance of themselves and their families, and also the liabilities they have necessarily incurred by reason of such insufficiency, and praying relief in the premises.

Of J.T. Williams, Esquire, Mayor, and others, of the Town of Port Hope; of William Corley and others, of the Township of St. Vincent; and of Thomas F. Purdy and others, of the Gore of Camden, County of Kent; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating Liquors, except for medicinal and mechanical purposes.

Of the Municipality of the Township of Crowland; praying that the limits of the Village of Thorold may not be extended as petitioned for.

Of John McDonald and others, of the Village of St. Mary's; of Philip Thompson and others; of Peter Fergusson and others; and of William Flood and others; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Provincial Canals.

Ordered, That the Petition of G.W. Wicksteed, Esquire, Law Clerk and English Translator to this House, be now received and read; and the Rules of this House suspended as regards the same.

And the said Petition was received and read; praying for an increase of Salary, and that he be relieved from the duties of English Translator, except in certain cases.

Ordered, That the Petition of Jean B. Coté and others, of the Parish of St. Hyacinthe; and the Petition of the Town Council of St. Hyacinthe, be referred to the Standing Committee on Miscellaneous Private Bills.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That the Parties in this cause have declared their examination of witnesses closed as regards preliminary points; that delay has been granted to them till Wednesday the 30th day of March instant, for hearing; and that the Committee are desirous of adjourning to that day.

Ordered, That the Select Committee on the Kamouraska Election Petition have leave to adjourn till Wednesday the 30th day of March instant.

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-first Report of the said Committee; which was read, as followeth:--

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Your Committee have examined the Bill to vest in certain Inhabitants of the Township of Moore, a Road allowance therein, and to establish a new Road in lieu thereof. The Bill proposes to vest in the owners of Lots Nos. 37 to 68 inclusive, of the first concession of Moore, in the County of Kent, the original allowance for a Road on the bank of the River St. Clair, to the extent of the said Lots, and to convey to the Public, as a highway in lieu thereof, a Road now laid out and travelled through the said Lots, a short distance back from the River.

Your Committee having carefully inquired into the circumstances, respectfully report, that it appears from the Petitions before Your Honorable House in relation to this matter, that the original allowance runs along the bank of the River St. Clair; that several gulleys occurring on the portion of the Road in question, some twenty years ago a detour was made the depth of a field back, and a Road opened up which has continued to be used since as the public highway; that the front Road has not been opened up as a carriage-way, but is used by foot passengers, and that no objection was taken by the owners of the land at the time, and it is only of late that compensation has been sought.

Your Committee are of opinion that whatever claim the owners of the Lots in question may have for compensation for the land taken for the back Road, they have no just claim to the concession they demand; and they are decidedly of opinion that the front Road should on no account be surrendered.

Under these circumstances, Your Committee feel it their duty to report, That the Preamble of the Bill has not been proved.

A Message from His Excellency the Governor General, by René Kimber, Esquire, Gentleman Usher of the Black Rod:--

Mr. Speaker,

His Excellency the Governor General desires the immediate attendance of this Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Legislative Council Chamber:--

And being returned;

Mr. Speaker reported, That agreeable to the commands of His Excellency the Governor General, the House had attended upon His Excellency in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's Name, the Royal Assent to the following Public and Private Bills:--

An Act to amend the Act incorporating the Seminary of St. Hyacinthe d'Yamaska, in so far as regards the persons composing the said Corporation, and to declare what persons shall hereafter compose and constitute the same.

An Act to incorporate the Society of Charitable Ladies of the Parish of

St. Etienne de la Malbaie.

An Act to vest in the Little Lake Cemetery Company certain allowances for Road in the Park Lots of the Town of Peterborough.

An Act to modify the Usury Laws.

An Act making certain provisions relative to the Counties of Perth, Brant, and Waterloo.

Ordered, That the Petition of J.D. Armstrong, Esquire, and others, of the Parish of Sorel, District of Montreal, be printed for the use of the Members of this House.

Ordered, That Mr. Chapais have leave to bring in a Bill to establish a Board of Examiners for School Teachers in the District of Kamouraska.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the thirty-first day of March instant.

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Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to indemnify the Brock Monument Building Committee, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. BADGLEY¹ moved for copies of all correspondence relative to the building of the Montreal Court House.²

MR. COM. PUB. WORKS CHABOT objected to give all the correspondence of the architects, contractors, &c.; but was ready to consent to the motion if it were confined to the correspondence of the Judges, officers of the Court, Bar, &c. The works had been suspended in consequence of these representations and some other causes.³

MR. CARTIER said the Bar of Montreal had made some representations to the Government on this subject; but had not gone so far as to ask for a suspension. They had not done that because they knew suspension of the work would lead to a great increase of expense and consequently of taxation. That expense of course had been now incurred; but the responsibility did not rest on the bar of Montreal.⁴

MR. AT. GEN. DRUMMOND agreed with Mr. Cartier that the bar had not contemplated the suspension of the works at the new Court House. He believed they had only asked for such changes as were necessary for the correct administration of justice; and that was absolutely necessary for had they not been made, the accommodations [sic] would have been less convenient than at present. He had been implored by the Prothonotaries to interfere and had done so. One great defect in the first plan of the new building was in the vaulting where the records would have been exposed to a most serious extent--an extent which endangered the safety of the fortunes of thousands. Another thing that was faulty was the want of sufficient exits from the buildings. According to the plan there was but one door, whereas it was commonly supposed, and he thought rightly, that there should be at least three. He had assisted in choosing the plan which had been accepted for the building, and of course took the responsibility of doing so; but thank God he did not put his own vanity before the public welfare, and when he found a mistake had been committed he hastened to rectify it. The attempt to rectify the errors he had pointed out obliged inquiries by professional men, which inquiries occupied considerable time, and this caused the suspension which certainly was not directly due to the representation of the bar, though it was the result of those representations.⁵

MR. SICOTTE was willing to accept the documents offered by Mr. Chabot; but did not think the rest ought to be refused. Instead of £30,000 the building would now cost £50,000, and this difference of cost would fall on the public. The particulars then ought to be known.⁶

MR. BADGLEY said from what had been stated it was evident that the plans must have been bad originally. Then it was said that the works were very bad. Thirdly, a suspension had taken place and had given the contractors very large additional claims which had been allowed by the government. Now all these things had added immensely to the cost of a work which had to be borne by the District of Montreal, and not only the District but the poor of the District, inasmuch as the suitors in general were poor rather than rich. Well then these works having been rendered so much more expensive, the difference ought not to fall on the District of Montreal, since the whole had been under the direction of the government, who ought to have prevented the circumstances which led to his increase. He would accept the correspondence offered in the meantime, and would move again, if, as he supposed, it should be found not to supply all the information which he required.⁷

Motion granted accordingly.⁸

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On motion of the Honorable Mr. Badgley, seconded by Mr. Gamble, Resolved, That an humble Address be presented to His Excellency the Governor General, praying he will be pleased to direct the proper Officer to prepare and furnish to this House all the Contracts and Documents in connection with the erection and construction of the Court House at the City of Montreal, and all Correspondence with the Architects relative thereto, which the Government shall think proper to produce.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to amend the Charter of the City of Toronto Gas Light and Water Company," with several Amendments, to which they desire the concurrence of this House.

And then he withdrew.

Ordered, That the Honorable Mr. Macdonald have leave to bring in a Bill to repeal, amend, and consolidate the provisions of certain Acts therein mentioned, and to simplify and expedite the proceedings in the Court of Queen's Bench and Common Pleas in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday the fourth day of April next.

Ordered, That the Honorable Mr. Macdonald have leave to bring in a Bill to explain an Act, intituled, "An Act to provide a remedy against absent Defendants."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That the Honorable Mr. Macdonald have leave to bring in a Bill to incorporate the Cataraqui and Peterborough Railway Company.

He accordingly presented the said Bill to the House, and the same was

received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. RIDOUT⁹ moved to add the Honorable Mr. Macdonald (of Kingston) to the Select Committee, to whom has been referred the petition of Bryce, McMurrich & Co., and others, on the subject of the Assessment Law.¹⁰

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Ordered, That the Honorable Mr. Macdonald be added to the Select Committee to which was referred the Petition of Messieurs Bryce, McMurrich and Company, and others, Merchants and Traders of the City of Toronto.

Mr. Dubord moved, seconded by Mr. Smith of Frontenac, and the Question being proposed, *That an humble Address be presented to Her Majesty, assuring Her Majesty that very great inconvenience and loss are occasioned to the Trade of this Province and Shipping interests in general, from the exorbitant Fees and Expenses attending all proceedings in the Court of Vice-Admiralty at Quebec, and from the fact that there is no authority within this Province empowered to modify the same so as to afford that relief which is imperatively requisite; and praying that Her Majesty will be graciously pleased to adopt such measures as*

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*may be necessary for empowering the Governor of this Province, in Council, or such other authority within the Province as Her Majesty may think proper, to revise, reduce, and regulate the Fees to be taken in the said Court of Vice-Admiralty, and to make a Tariff of such reduced Fees;*¹¹

MR. AT. GEN. DRUMMOND said that formerly there was great cause of complaint on this subject, which led to proceedings in the House. In consequence [sic] a new tariff had been drawn up and sent home by Mr. Black; but the Imperial authorities would not consent to adopt them until they had had an expression of opinion in the country. A committee was therefore appointed of three merchants and three gentlemen practising at the bar. They were unanimous in thinking the tariff reasonable. He had, himself, inquired into the tariff; for he had supposed it must be exorbitant, when a case in which damages of £5 had cost £42. He found, however, that the damages were small in that case, the nature of the case was very important: it was indeed a first class case, conduct[ed] in the most solemn manner and which might have involved damages to the extent of many thousands of pounds. It was in fact a collision case. Nor did he find that the charges in the tariff were higher than those of Montreal known as Judge Reids tariff. He mentioned some items, and continued to say he thought it was not proper for the House to apply in this way to the Imperial Government, unless with good cause, especially after so much care had been taken to consult the colony. Another reason why he thought such an application would be unsuccessful was that though drawn up in the first instance for Quebec, it had since been extended to all the Colonial Vice Admiralty Courts. If the member would move for a committee he would not object.¹²

MR. DUBORD believed the merchants who had sanctioned the tariff were heartily sorry for it. As to the others they were gentlemen of the long robe, and no doubt thought the more taxes the better. The hon. Attorney General had consulted the Judge of the Court; but of course that gentleman was interested in having fees as high as he could. Then the hon. gentleman said that the case he had investigated was one of collision; but if so would he not say that the same costs would have been excessive in case of simple debt? Now there was a mere pilotage case of £5, arising out of a mistake in the translation of the law--one version speaking of vessels of 120, and the other of 125 tons. The expense in that case was £36. The hon. member mentioned some other cases, which he thought showed

that the tariff was very much too high.¹³

MR. H. SMITH (Frontenac) had been induced from what he had heard from his hon. friend for Quebec to take up this matter, and he had heard enough from the hon. Attorney General to convince him that the fees in this Court were very much to[o] high. The hon. member then went over the fees charged in the Admiralty Court and compared them with the costs allowed in the Courts of Upper Canada, showing that the former were very much in excess of the latter. Upon the whole he regarded this Court as an immense nuisance, which ought to be reformed by the Court being, like other Courts, put under the authorities of the country. Since he had come down to Quebec, he had learned to appreciate the advantages which the country may obtain from shipbuilding, and this should lead the House to do every thing it could to foster that trade.¹⁴

COL. PRINCE paid high eulogium to Mr. Black the Judge of the Admiralty Court, for the passing of the Black act. He cared nothing about the costs and knew nothing about them; but he declared the reduction of fees, and the course taken by Mr. McKenzie intended to allow cobblers and tailors and blacksmiths to practice in the Courts, was fast ruining the legal profession and consequently the country. Take his own case! Here the hon. member drew an affecting picture of the misfortunes which had befallen him by the decay of the law. In disgust he had refused longer to practice as an attorney; in disgust his eldest son had left the profession and was now an officer in the army; and in like disgust his second son also a lawyer had taken some other steps, the particulars of which did not reach the reporter's box. He concluded by again regretting the speedy downfall of the legal profession which he said was the first step to revolution.¹⁵

MR. R. CHRISTIE after a few words by way of preface, moved an amendment; altering the motion so as to make it a motion for a committee instead of an address; which was carried.¹⁶

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Mr. Christie of Gaspé moved in amendment to the Question, seconded by Mr. Smith of Frontenac, That all the words after "That" to the end of the Question be left out, in order to add the words "a Committee of seven Members be appointed to enquire into and report with all convenient speed to this House, whether any and what Fees are paid to the Proctors or Barristers practising in the Court of Vice-Admiralty in this Province on causes instituted in and disposed of by the said Court, the Tariff or table of such Fees, and the authority in virtue whereof they are established and exacted from Suitors in the said Court; and that the Committee do consist of Mr. Dubord, Mr. Stuart, Mr. Tessier, Mr. Solicitor General Chauveau, the Honorable Mr. Badgley, Mr. Smith of Frontenac, and the Honorable Mr. Macdonald" instead thereof;

And the Question being put on the Amendment:--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That a Committee of seven Members be appointed to enquire into and report with all convenient speed to this House, whether any and what Fees are paid to the Proctors or Barristers practising in the Court of Vice-Admiralty in this Province on causes instituted in and disposed of by the said Court, the Tariff or table of such Fees, and the authority in virtue whereof they are established and exacted from Suitors in the said Court; and that the Committee do consist of Mr. Dubord, Mr. Stuart, Mr. Tessier, Mr. Solicitor General Chauveau, the Honorable Mr. Badgley, Mr. Smith of Frontenac, and the Honorable Mr. Macdonald.

The Order of the day being read, for resuming the adjourned Debate upon the Question which was, on Monday last, proposed, That the Bill to restrain the

*manufacture, sale, and importation of intoxicating Liquors in certain cases, be now read a second time;*¹⁷

MR. PRES. EX. COUN. CAMERON moved the second reading of the Bill to restrain the manufacture and sale of Intoxicating Liquors.¹⁸ [He] stated in reply to a wish expressed by some hon. members, that the House should then adjourn, that his hon. friend the member for Essex, was going away to-morrow, and wished to speak on this question before he left.¹⁹

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And the Question being again proposed:--The House resumed the said adjourned Debate.

MR. H. SMITH (of Frontenac) hoped, that if he opposed this bill, he should not be thought unfavourable to the cause of temperance. He did not hold this to be a proper subject for legislation--nor did he think that it was one to be brought before any legislative body. When they saw how in Lower Canada the cause of temperance had advanced without any aid from Parliament--he did not think the matter should be brought before the Legislature. Things of this kind, he said, were better done by what is called moral suasion than by Legislative enactment, and in Lower Canada it was found that the influence of a few Priests had been sufficient almost entirely to put down intemperance; and it was a gratifying fact, that in the rural districts of Lower Canada there were no houses of drinking, but those that were absolutely necessary for travellers.²⁰ It was indeed pleasing to see that in the rural parts of the country especially, the use of spirituous liquors was almost wholly discontinued. This was not done by law; but by persuasion. He thought this was a law which above all other ought to have come from the government, since it must greatly diminish the revenue.²¹ The introducer of this bill had spoken of the views of the country as expressed by petitions. He (Mr. Smith) did not wish that those 80,000 petitioners should be unheeded or unheard, but he thought that by this bill great injustice would be done. It was well known that a great many persons had gone extensively into the business of brewing and distilling, investing large sums of money, and that they had thus formed a market for coarse grains which could not be used in any other way²²--a market of the greatest consequence of [*sic*] Upper and especially Lower Canada.²³ If they did away with all these articles, what was to be done with the coarser grains now used in their manufacture.²⁴

MR. PRES. EX. COUN. CAMERON: They must cease to grow them.²⁵

MR. H. SMITH.--They must continue to grow them, for it is well known that for some years back the wheat crop had failed in Lower Canada, and the people were compelled to depend on their coarse grains. Again, what did they propose to do with the large stocks of spirits and malt liquors now on hand, what were they going to do with all the breweries and distilleries in existence? He was in favour of temperance societies and temperance principles, and wished to see drunkenness and intemperance suppressed, but he could not give his assent to this bill in its present shape, as he thought it would be attended with very disastrous results. The former act on this subject had been repealed from the impossibility of carrying it out, and he did not think one single conviction had taken place under it.²⁶ He had not faith in the law passing in its present shape, or he might vote against it²⁷. In the hope, however, that something might be made out of this bill to advance the cause of temperance, and partly out of deference to the feelings of the people who had petitioned for it, [he] should vote for the second reading. It must be very gratifying to all to see the course taken by the hon. member for Essex in supporting this bill, and that he saw the necessity of it. He repeated that he did not think he could do wrong in voting for the second reading of this bill, were there no other reason for

his so doing, than that so many petitions in favour of it had been presented.²⁸ When, however, he heard the Inspector General speaking about the petitions, he could not help wishing that the same regard had been shown to petitions on ... [one] occasion²⁹. He would ... remind the Government that when a question more important than this was before the House--the Rebellion Losses Bill--more petitions than were now before them, were presented against it, but they were treated with contempt; and it would have been well for the country if they had been attended to. As he had said before, he could not support the measure in its present shape, but he should vote for the second reading in the hope that a useful measure might be made out of it.³⁰

COL. PRINCE was very much gratified at the course taken by the hon. member for Frontenac on this bill. When his name was announced as the seconder of the motion for the second reading of this bill, certain ironical cheers were given which somewhat nettled him. It seemed to him as though hon. members meant to convey the idea that he wished by seconding the motion to ridicule the bill introduced by his hon. friend from Huron, but he begged to assure the House that he was never more sincere or more serious in his life than he was on that occasion. He seconded the motion because he thought this bill would rescue from ruin in this world and in the next many unfortunate people who were the victims of intoxication. He himself was a person very fond of the pleasure of³¹ the social glass, and of society; but fond as he was of these indulgences, he would cheerfully give them up, if to do so would preserve one poor creature from the evils of drunkenness.³² Need he remark to this House after the very eloquent, able, and clear-headed speech of his hon. friend the Minister of Agriculture, on the necessity for this bill, or need he (he continued) enter into its merits. There was no necessity for going into these things, for they were transparent to every one there. His reason for voting for this bill was, that the excessive cheapness of liquor actually incites men to drink. In the part of the country in which he lived such was the low price of liquor that any man could get drunk for a York shilling! (Laughter.) He should like to ask if any Government had not a right to legislate on questions of this kind? Would any one say that they had not a right to legislate against the introduction of opium? There can be no doubt but that every Government had a right to legislate against the use of what was injurious to the people under its charter. It was absurd to think otherwise. It has been said that we should not be able to obtain a conviction under this Act, but he would defy any lawyer to point out any defect in this bill. It is so well drawn up that the most dottish³³ magistrate in the country can act upon it without any difficulty, and though he had not the slightest idea by whom it was drawn up, he would say, that it reflected great credit upon the head as well as the heart of the individual, whoever he might be, and in this it differs from the Maine Law, which it is said to resemble, that it can be carried into effect without any difficulty. It gives to the poor married woman a remedy against the man who makes her husband drink, and it gives the husband a right to act against the man who sends his wife to her home in a state of beastly intoxication. Look at the evils of drunkenness that we see every day around us. We live in the nineteenth century, and yet we see more drunkenness than I ever saw in my younger days. Why, in the days of the ancients so utterly was drunkenness detested, that the slaves were made drunk that children might be disgusted with the vice. I vote for the bill, he continued, because it will preserve the health of thousands, it will save to health and happiness many who are now being ruined in body and soul. It is because I have for years past seen the evils of drunkenness, I will give up my own enjoyments for the sake of rendering others happy.³⁴ It might be said of him, as it was said of Queen Elizabeth by J. Wesley, she had not much religion about her; but he loved her because she patronized religion in others.³⁵ He (Mr. Prince) had been

charged with talking bunkum because he supported this measure--this was a word that he did not understand, it was neither French, English, nor Dutch, but it was Yankee, and he did not understand it. He was the last man in that House who should be charged with talking bunkum. It might be applicable to young men who had their political fortunes to make, but not to an old man like Colonel John Prince, who has represented the County of Essex for the last 17 years without asking any man for his vote. It was stated that there were great interests at stake which would be affected by this measure, but there was no intention to do injustice to any of these interests. Sufficient time would be allowed them if the bill passed to dispose of all the stocks in trade. He should not, therefore, vote for this bill coming into force for at least³⁶ eighteen months or two years....But as to the bill, its advantage could not be doubted.³⁷ He then went on to speak of the evils caused by intoxication, saying that he had frequently seen young gentlemen in his part of the country, gentlemen by birth and education, young men of the brightest talents, but who were destroying themselves by indulgence in the vice of drunkenness.³⁸ All over the country he saw young men³⁹ capable of rising to the highest positions, but who, instead of devoting themselves to any useful pursuit, spend their whole time⁴⁰ ruining themselves in barrooms and⁴¹ in low taverns wallowing in drink.⁴² It was the keepers of these places that he wanted to prevent from carrying on their iniquitous traffic.⁴³

MR. DIXON ... [said] a few words⁴⁴.

MR. ROBINSON said that it was all very well for his learned friend from Essex to support this bill as he was better off than most of his neighbours, for he had a brewery⁴⁵ on his own farm and was within half a mile of the town of Detroit⁴⁶; so close to Detroit that he could cross over in a few minutes.⁴⁷

MR. H. SMITH (Frontenac) believed, whenever the hon. member went to Detroit to have a social glass he made the Yankees drink [to] the Queen's health.⁴⁸

MR. PRES. EX. COUN. CAMERON also remarked that the brewery would be ruined like the rest.⁴⁹

COL. PRINCE ... [said] a few words ... in reply⁵⁰.

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On motion of the Honorable Mr. Cameron, seconded by Mr. Christie of Wentworth,

Ordered, That the Debate be further adjourned until Thursday next.

The Order of the day for the second reading of the Bill to incorporate the Bytown and Pembroke Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the remaining Orders of the day be postponed until Tuesday next.

*Then, on motion of Mr. Malloch, seconded by Mr. Dubord,
The House adjourned until Tuesday next.*

[QUESTION AND ANSWER RE: MARRIAGE BILL.]⁵¹

SIR A. MACNAB inquired of ministers, whether it is their intention to proceed, during the present Session, with the Bill to amend the law with respect to the Solemnization and Registration of Matrimony.⁵²

MR. COM. CR. LANDS ROLPH without acknowledging that it was usual⁵³ for members on the opposite side of the House to ask members of the Government what course they intended to take with regard to bills that were already before the House⁵⁴ would yet reply more explicitly [sic] than he conceived himself bound to do.⁵⁵ He had ... no objection to say that he did intend to proceed with the bill⁵⁶ and to make it as palatable as he could to the country in general⁵⁷ and at the second reading, he should make such alterations as might be deemed advisable, and such as would make it acceptable to all parties.⁵⁸

[WITHDRAWN MOTION RE: CORRESPONDENCE RE SEPARATION OF HALTON AND WENTWORTH COUNTIES.]⁵⁹

MR. WHITE moved for an address to his Excellency for copies of all correspondence relating to the separation of the county of Halton from the county of Wentworth with the signatures attached to them. He made this motion, he said, in consequence of rumours that were afloat that the signatures were forged, and he wished to ascertain the fact.⁶⁰

SIR A. MACNAB said that this was rather a serious charge to bring against the people of such a respectable county as Wentworth, but he should leave the matter in the hands of the hon. member for Wentworth.⁶¹

MR. INSP. GEN. HINCKS suggested that the most convenient method to investigate the signatures to the petition in question was for the hon. member to call at the Secretary's Office and see for himself. The House could tell nothing about forgeries. As to petitions he had heard that some railway petitions had been signed all through the State of Michigan.⁶²

SIR A. MACNAB said that if the hon. member trusted to rumour he might hear some very strange things. It had been reported for instance, that the signatures to the petitions against the Rebellion Losses bill had been cut off and attached to the petitions to the Maine liquor [sic] law. (Prodigious laughter.)⁶³

MR. PROV. SEC. MORIN said that the hon. member ought to be very sure before he made such charges.⁶⁴

MR. WHITE did not mean to make any charge--he only wanted to ascertain whether the signatures were forged or not.⁶⁵ It appeared to him that the hon. member was very tender about forgeries. For his part he had heard that⁶⁶ a certain clergyman, living not very far from Hamilton, had affixed a number of signatures against the Clergy Reserves, to a petition in favour of them, and sent it across the Atlantic. He would take the suggestion of the Inspector General, and asked leave to withdraw his motion.⁶⁷

SIR A. MACNAB thought these insinuations should not be lightly made, and⁶⁸ did not think that there was any clergyman of any denomination that would be guilty of buying signatures to a petition.⁶⁹

MR. WHITE said that it was only a rumour.⁷⁰ [He] did not intend to make any charge against any one. He would adopt the Inspector General's suggestion.⁷¹

Motion withdrawn.⁷²

FOOTNOTES: 24 MARCH 1853.

1. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 28 March 1853, MONTREAL GAZETTE, 30 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 5 April 1853, HAMILTON SPECTATOR DAILY, 5 April 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 6 April 1853, (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR WEEKLY, 7 April 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN WEEKLY, 14 April 1853, and LA MINERVE, 31 March 1853.
2. MORNING CHRONICLE, 28 March 1853.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. MONTREAL GAZETTE, 30 March 1853.
8. MORNING CHRONICLE, 28 March 1853.
9. This motion was reported in identical accounts by the following papers: MORNING CHRONICLE, 28 March 1853, MONTREAL GAZETTE, 30 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 5 April 1853, HAMILTON SPECTATOR DAILY, 5 April 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 6 April 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR WEEKLY, 7 April 1853 (which copied from QUEBEC MERCURY of unknown date), and NORTH AMERICAN WEEKLY, 14 April 1853.
10. MORNING CHRONICLE, 28 March 1853.
11. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 28 March 1853, MONTREAL GAZETTE, 30 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 5 April 1853, HAMILTON SPECTATOR DAILY, 5 April 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 6 April 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR WEEKLY, 7 April 1853 (which copied from QUEBEC MERCURY of unknown date), NORTH AMERICAN WEEKLY, 14 April 1853, and LA MINERVE, 31 March 1853.
12. MORNING CHRONICLE, 28 March 1853.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 28 March 1853, MONTREAL GAZETTE, 30 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 5 April 1853, HAMILTON SPECTATOR DAILY, 5 April 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 6 April 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR WEEKLY, 7 April 1853 (which copied from QUEBEC MERCURY of unknown date), BRITISH WHIG, 14 April 1853 (which inserted two speeches from the debate on this bill of 21 March 1853), NORTH AMERICAN WEEKLY, 14 April 1853, and LA MINERVE, 31 March 1853. The debate was also reported by GLOBE, 9 April 1853.
18. MORNING CHRONICLE, 28 March 1853.
19. GLOBE, 9 April 1853.
20. IBID.
21. MORNING CHRONICLE, 28 March 1853.
22. GLOBE, 9 April 1853.
23. MORNING CHRONICLE, 28 March 1853.
24. GLOBE, 9 April 1853.
25. IBID.

26. IBID.
27. MORNING CHRONICLE, 28 March 1853.
28. GLOBE, 9 April 1853.
29. MORNING CHRONICLE, 28 March 1853.
30. GLOBE, 9 April 1853.
31. IBID.
32. MORNING CHRONICLE, 28 March 1853.
33. GLOBE, 9 April 1853. MORNING CHRONICLE, 28 March 1853, quotes Col. Prince as saying that "the bill ... was much superior to the Maine Liquor Law, inasmuch as it was simpler and capable of being understood by the most doltish magistrate...." (*Italics ours.*)
34. GLOBE, 9 April 1853.
35. MORNING CHRONICLE, 28 March 1853.
36. GLOBE, 9 April 1853.
37. MORNING CHRONICLE, 28 March 1853.
38. GLOBE, 9 April 1853.
39. MORNING CHRONICLE, 28 March 1853.
40. GLOBE, 9 April 1853.
41. MORNING CHRONICLE, 28 March 1853.
42. GLOBE, 9 April 1853.
43. MORNING CHRONICLE, 28 March 1853.
44. IBID.
45. GLOBE, 9 April 1853.
46. MORNING CHRONICLE, 28 March 1853.
47. GLOBE, 9 April 1853.
48. MORNING CHRONICLE, 28 March 1853.
49. IBID.
50. GLOBE, 9 April 1853.
51. The following papers reported this Question and Answer in identical accounts: HAMILTON SPECTATOR DAILY, 28 March 1853, and GLOBE, 29 March 1853. The following papers reported the matter in partially identical accounts: MORNING CHRONICLE, 28 March 1853, MONTREAL GAZETTE, 30 March 1853, PILOT, 31 March 1853, BRITISH WHIG, 4 April 1853, BRITISH COLONIST, 5 April 1853, NORTH AMERICAN WEEKLY, 14 April 1853, and LA MINERVE, 31 March 1853. This matter was also reported by GLOBE, 9 April 1853.
52. MORNING CHRONICLE, 28 March 1853.
53. IBID.
54. GLOBE, 9 April 1853.
55. MORNING CHRONICLE, 28 March 1853.
56. GLOBE, 9 April 1853.
57. MORNING CHRONICLE, 28 March 1853.
58. GLOBE, 9 April 1853.
59. The following papers reported the debate on this Withdrawn Motion in partially identical accounts: MORNING CHRONICLE, 28 March 1853, MONTREAL GAZETTE, 30 March 1853, PILOT, 31 March 1853, BRITISH COLONIST, 5 April 1853, HAMILTON SPECTATOR DAILY, 5 April 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 6 April 1853 (which copied from QUEBEC MERCURY of unknown date), HAMILTON SPECTATOR WEEKLY, 7 April 1853 (which copied from QUEBEC MERCURY of unknown date), and NORTH AMERICAN WEEKLY, 14 April 1853. The debate was also reported by GLOBE, 9 April 1853.
60. GLOBE, 9 April 1853.
61. IBID.
62. MORNING CHRONICLE, 28 March 1853.
63. GLOBE, 9 April 1853.
64. IBID.
65. IBID.

66. MORNING CHRONICLE, 28 March 1853.
67. GLOBE, 9 April 1853.
68. MORNING CHRONICLE, 28 March 1853.
69. GLOBE, 9 April 1853.
70. IBID.
71. MORNING CHRONICLE, 28 March 1853.
72. MORNING CHRONICLE, 28 March 1853, which began its account of the debate by reporting that, "on motion of Mr. White ... [the] Address was ordered."

TUESDAY, 29 MARCH 1853.

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THE following Petitions were severally brought up, and laid on the table:--
By Mr. Fergusson,--The Petition of Thomas Lunn and others, of the Township

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of Sydenham; the Petition of William Watt, Reeve, and others, of the Township of Normanby, County of Grey; the Petition of the Municipality of the Township of Nicol; the Petition of the Municipality of the Town of Guelph; and the Petition of William Clarke, Warden of the United Counties of Wellington and Grey.

By Mr. Johnson,--The Petition of the Municipal Council of the United Counties of Prescott and Russell.

By the Honorable Mr. Merritt,--The Petition of George K. Smith, of Lake Superior.

By Mr. Dixon,--The Petition of F.B. Beddome and others, of the Town of London.

By Mr. Mongenais,--The Petition of A.G. Charlebois, Esquire, and others, of the Parish of Rigaud, County of Vaudreuil.

By the Honorable Mr. Badgley,--The Petition of C.S. Cherrier, Esquire, and others, Roman Catholic Citizens of the City of Montreal.

By Sir Allan N. MacNab,--The Petition of Colin C. Ferrie, Esquire, and others, of the City of Hamilton; and the Petition of George S. Tiffany and George J. Grange.

By Mr. Hartman,--The Petition of W.B. Jarvis, Esquire, Sheriff of the United Counties of York, Ontario, and Peel; and the Petition of the Municipality of the Township of Thorah.

By Mr. Ridout,--The Petition of Thomas D. Harris and others.

By Mr. Valois,--The Petition of Joseph Simmons and others, proprietors of farms situate at Rivière St. Pierre and Lower Lachine, County of Montreal.

By Mr. Tessier,--The Petition of J.L. Pagé and others, Navigators and others, of the Parish of Deschambault; and the Petition of N. Portelance and others, Navigators and others, of the Parish of St. Charles des Grondines.

By Mr. Murney,--The Petition of the Municipal Council of the County of Hastings.

Pursuant to the Order of the day, the following Petitions were read:--

Of Henry Hanna, Esquire, and others, of the Township of Osgoode, County of Carleton; praying that no alteration may be made in the Representation of the said County in Parliament, as proposed by the Bill relating thereto.

Of John McBean, Esquire, President, and others, Directors of the Berthier Academy; praying for aid in behalf of the said Academy.

Of the Reverend P. Sax and others, of the Parish of Laval, District of Quebec; praying for aid to construct Bridges and improve the Road leading from the Churches of the said Parish to that of Beauport.

Of the Reverend Thomas McPherson and others, of the Townships of Lancaster and Charlottenburgh, County of Glengary; of the Reverend Andrew Wilson and others, of the Village of Port Dover; and of A.J. Parker, Chairman, and William Scott, Secretary, on behalf of an Association of Ministers and Laymen of various Evangelical Churches within the bounds of the District of St. Francis; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on Canals.

Of the Niagara Falls Suspension Bridge Company; praying for the passing of an Act to increase their Capital Stock.

Of the Municipal Council of the United Counties of Peterborough and Victoria; praying for the repeal of the Common School Law, and the enactment of a Law more simple and comprehensive providing for a system of Free Schools under the County

Municipalities.

Of the Municipal Council of the United Counties of Peterborough and Victoria; praying that the several Township Municipalities may have the control or management of their respective Boundary Lines.

Of the Reverend William Macalister and others, of Sarnia; and of the Municipi-

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ality of the Township of Dawn; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating Liquors, except for medicinal and mechanical purposes.

Of Charles Scarlett and others, of the Township of Dawn, County of Lambton; praying for the passing of an Act to detach all the School Sections of the said Township from the corresponding School Sections of the Township of Zone and Gore of Camden.

Of Archibald Campbell, Esquire, and others, of Quebec; praying that the Bill to regulate the Pilotage for and below the Harbour of Quebec, may not pass into Law.

Of the Municipalities of the Townships of Pickering and Scarborough; praying that the Bill to vest in C.C. Small, Esquire, certain Road allowances in the said Township of Pickering, may not pass into Law, without the Municipalities interested therein being first consulted.

Of George Tait and others, of the Townships of Pickering and Scarborough; praying that a certain portion only of the Road allowances in the said Township of Pickering proposed to be vested in C.C. Small, Esquire, may be vested in him.

Of John Greenshields and others, Depositors in the Montreal Provident and Savings Bank; representing their confidence in the Trustees and Directors of the said Bank since its suspension of payment, and praying that no action may be taken in the matter of the Petition of Thomas McGinn and others, Depositors and Claimants against the said Bank, for the appointment of Trustees, with power to proceed against the said Directors.

Of W.M. Dole, Esquire, and others, of Municipality Number two, of the County of Ottawa; praying that the said Municipality may be erected into a County.

Of the Provisional Municipal Council of the County of Lambton; praying that certain By-Laws of the Provisional Municipal Council of the County of Kent, passed in the year 1842, may not be legalized.

Of Peter McCallum and others, of the Township of Bosanquet, County of Lambton; representing that their Lands are in danger of being sold by the Sheriff for taxes which accrued before the said Lands came into possession of the Petitioners, and praying for relief in the premises.

Of Joseph S. Walton of Sherbrooke; praying for payment of his claim against the Municipal District of Sherbrooke, as Secretary to the District Council thereof.

Of R.D. Morkill and others, Trustees of the Sherbrooke Academy; praying for aid in behalf thereof.

MR. BROWN¹ moved the reception of the petition of a woman, from the Parish of Malbaie complaining that the curé of the Parish had refused to bury her husband, and praying for an enquiry.²

DR. LATERRIERE said the allegations in the petition were false, and moved in amendment that it be not received.³

MR. BROWN said he did not pretend to judge of the correctness of the allegations in the petition, but he thought to reject it was wrong, and involved the right of petition. He hoped therefore the House would allow the petition to be received, and the woman's prayer heard.⁴

MR. CAUCHON said the petition should be received. A motion for reference would be the proper time to speak on its merits.⁵

DR. FORTIER said the woman was insane, and the allegations of her petition false. He censured Mr. Brown for resorting to such means of attack upon the Roman Catholic Clergy.⁶

Some further conversation [followed]⁷.

DR. LATERRIERE withdrew his opposition to the receipt of the petition.⁸

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Of Mrs. Marie Anne Robitaille, widow of the late Antoine B. Belleville, of the Parish of La Malbaie, County of Saguenay; representing that on account of certain differences between her said late husband as a School Commissioner, and the Curé of the said Parish, the said Curé denied to his remains the right of burial in the Parochial Burial Ground, and praying for the passing of an Act to grant relief in the premises.

Of James Armstrong, of the Parish and District of Montreal, Esquire; praying that the Corporation of the said City may be authorized to erect Mills and dispose of Mill Sites along the line of the proposed Water Works of the said City.

Mr. Dixon, from the Select Committee to which was referred the Petition of the Town Council of the Town of London, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have duly considered the prayer of the Petition, and find that in that portion of the Town of London known as the "new survey," the Streets have been laid out two chains in width, while those in the old survey are of the width of one chain only,--and the Town Council are desirous of having the width of all the new Streets (with the exception of Wellington Street) reduced to one chain, so as to be uniform with the older portion of the Town.

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Your Committee are fully of opinion that the present width of these new Streets is too great, and that it is advisable to reduce the same, as much inconvenience and expense will otherwise be experienced, but they find that the present application does not agree with the Notice given by the Town Council, in which the width to which they propose these Streets to be reduced is stated to be six rods, being two rods wider than the Petition states. It appears also that a Petition has been presented to Your Honorable House from certain Inhabitants of the Town of London in opposition to the proposed reduction; under these circumstances, Your Committee would respectfully recommend that leave be given to introduce a Bill for reducing the width of the Streets in question, but that the extent of such reduction be specially determined by Your Honorable House.

Ordered, That Mr. Dixon have leave to bring in a Bill to reduce the width of certain streets in the new survey of the Town of London, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Mr. Cartier, from the Select Committee appointed to try and determine the matter of the Petition of the there-undersigned, complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, informed the House, That the Committee had determined,

That the date of the Deed of the Lands in Horton, included in the declaration of qualification made at the last Election for the City of Toronto, by William Henry Boulton, Esquire, the Sitting Member, being July 12th, 1851, and he the said Mr. Boulton, having subsequently declared under oath, in a proceeding in the Court of Queen's Bench, on the 21st of November, 1851, that he was then

insolvent, and had made an assignment of all his property, both real and personal, to Trustees, for the benefit of his Creditors; the said Lands in Horton cannot be considered the bonâ fide property of Mr. Boulton, at the date of the said declaration of qualification.

That the remaining property specified in the said declaration of qualification, situate in the City of Montreal, was not, in the opinion of the Committee, of the value of Five hundred pounds of Sterling money of Great Britain, over and above all rents, mortgages, charges and incumbrances charged upon or due and payable out of or affecting the same.

That the said William Henry Boulton was not duly elected at the said Election, for want of property qualification; and that the said Election is void.

That the defence to the Petition by the said William Henry Boulton is not frivolous or vexatious.

And the said Determinations were ordered to be entered on the Journals of this House.

MR. CARTIER,⁹ from the said Committee, further informed the House, that on Tuesday, the 26th day of October last, it was moved in Committee, that a Telegraph message purporting to be from one of the Petitioners, and addressed to Mr. McDougall, having been placed before the Committee appointing him Counsel or Agent for the Petitioners, and alluding to certain documents to be sent by Mail,--and an extract of a Letter to a third party in the same Petitioner's handwriting, having been put in, in which he speaks of Mr. McDougall as being authorized to Act as Agent for Petitioners, and Mr. McDougall having produced documents relating to the Petitioner's case, which he proves to have come in a Letter from the same Petitioner,--this Committee consider such proof of agency as sufficient;

And the Question being put; the Committee divided:--Yeas: Mr. [J.] SMITH of Durham, Mr. LANGTON, and Mr. CARTIER. Nays:--Mr. STUART and ... Mr. WHITE. So it was resolved in the affirmative [sic].¹⁰

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The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to amend the Charter of the City of Toronto Gas Light and Water Company;" and the same were read, as follow:--

Page 2, line 21. Leave out from "seven" to "holding" in line 24.

Page 2, line 24. Leave out "fifty" and insert "twenty-five."

Page 2, line 25. Leave out "five" and insert "two," and after "hundred" insert "and fifty."

Page 2, line 25. Leave out from "pounds" to "and" in line 28.

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. Ridout do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath agreed to their Amendments.

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Ordered, That Mr. Stevenson have leave to bring in a Bill to provide for the formation of Joint Stock Companies for the construction of Piers, Wharves, and Harbours.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

The House, according to Order, resolved itself into [sic] a Committee on the Bill to incorporate the Montreal, Bytown and Ottawa Grand Trunk Railway Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Brown reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Brown reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to incorporate the Port Whitby and Lake Huron Railroad Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canal[s], and Telegraph Lines.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Brockville and Ottawa Railway Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Smith of Frontenac reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Smith of Frontenac reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to authorize the City of Hamilton to negotiate a Loan of Fifty thousand pounds, to consolidate the City Debt, and for other purposes, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for To-morrow.

The Order of the day for the second reading of the Bill supplementary to an Act of this Session, detaching for Judicial purposes the Settlements of Sainte Anne des Monts and Cap Chat from the District of Gaspé, and annexing the same to the District of Kamouraska, being read;

The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.

The Order of the day being read, for resuming the adjourned Debate upon the Question which was, on Friday the eleventh day of March instant, proposed, That the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof, be now read a second time;

And the Question being again proposed;--The House resumed the said adjourned Debate.¹¹

MR. SICOTTE (in French) said¹²: Le discours prononcé par le savant conseil des seigneurs, à la barre de cette chambre, explique facilement les sentiments des habitants du Canada sur la tenure féodale et la condamnation qu'ils ont prononcé contre le système.

Les seigneurs nous ont tenu par leur conseil, un langage qu'ils n'oseraient pas avouer en personne. Néanmoins ce langage exprimait leurs opinions, et donnait l'explication de la haine du peuple, non seulement en Canada mais en France, contre la tenure seigneuriale.

Les seigneurs se proclament devant le pays, comme une classe privilégiée, (as the only respectable and respected class), comme la descendance légitime de ces orgueilleux nobles barons, qui furent autrefois presque des souverains, et affirment que le peuple avait toujours été méprisé, (that it was hardly an order at all.)

La prétention des seigneurs, est qu'ils ont seuls des droits; que les censitaires n'ont que des devoirs; et elle explique à tout observateur intelligent, les motifs de leur opposition à la mesure qui est proposée. Ce n'est pas la perte de leurs revenus qu'ils redoutent, mais bien la perte de leur importance personnelle. Car si la loi est fautive; c'est qu'elle est plutôt dans l'intérêt du seigneur que du censitaire. Mais, au reste, il n'est pas vrai de dire, qu'à aucune époque, depuis l'établissement de la colonie, le peuple ait été

pour ainsi dire comme une classe méprisable, et ne possédant aucuns droits.

L'étude attentive de l'histoire de la féodalité se [sic] justifie pas ce langage et ces prétentions des seigneurs. Tous ceux qui ont un peu lu l'histoire, savent que lors de l'invasion des tartares, l'empire romain n'était plus qu'une vaste coalition de municipalités. On est trop enclin à croire que l'invasion fit disparaître entièrement le vieil ordre de choses: ce qui a existé longtemps dans une société ne peut disparaître tout à coup. Les envahisseurs de l'empire ont laissé la société continuer d'être, sous bien des rapports, ce qu'elle avait été. Il est certain qu'à une époque la noblesse en Europe était la seule classe qui possédait le pouvoir. La féodalité ne s'est pas cependant constituée de suite; son ascendance a duré du 5e au 10e siècle; mais même avant cette époque sa puissance n'a jamais été considérée comme une institution régulière. Les peuples ne l'ont jamais acceptée comme un droit, et ont sans doute lutté contre la force qui voulait les y soumettre. Cependant au 10e siècle la féodalité était en France et dans l'Europe moderne, le fait général, le fait dominant. Les tendances étaient de façonner tout dans le cadre féodal. Tout se donnait en fief. Les moindres faits de la vie commune devenaient matière de féodalité. On se tromperait étrangement cependant si l'on prenait ce fait comme un indice de servitude générale. C'était la manière de l'époque de se créer des revenus.

La haine des peuples contre la féodalité, à toutes les époques, est la preuve qu'elle ne reposait que sur la force et non sur un droit, et est la condamnation de ses exacteurs.

Au 10e siècle commence [sic] la lutte des communes contre la tyrannie des seigneurs. Au 12e siècle la féodalité avait été vaincue. La France était couverte [sic] de communes, possédant des chartres qui garantissaient leurs libertés. Il y avait autant de république[s] que de cités. Le système municipal romain n'avait jamais complètement disparu, et l'établissement des communes ne fut que la restauration des franchises municipales. D'ailleurs la noblesse ne fut jamais ce que quelques-uns [sic] semblent croire, un pouvoir qui n'avait de limites que la volonté du seigneur. C'était plutôt un système municipal déterminé par des lois.

Sous l'empire romain, la terre était exploitée par des colons qui n'étaient ni esclaves ni parfaitement libres, à la charge d'une redevance fixe; et ceux, qui plus tard furent appelés serfs¹³, or villains¹⁴, dans l'Europe féodale, étaient cette même classe de colons, qui ne pouvaient cultiver leurs héritages qu'à la condition de payer un impôt. Le caractère essentiel de la tenure romaine était la fixité de la redevance. Et si l'on pouvait établir l'identité et l'analogie de la tenure romaine avec la tenure féodale, ou [sic] établirait un fait très propre à faciliter la solution des droits des seigneurs, dans la vieille et dans la Nouvelle-France. Il est assez étrange de trouver dans une loi de Justinien un article si applicable à la cause des censitaires, qu'il semblerait avoir été écrit pour déterminer la question seigneuriale:

"Que tout colon, de qui son maître exigera plus qu'il n'avait coutume, et qu'on exigeait de lui dans les temps antérieurs, s'adresse au premier juge qu'il pourra aborder, et prouve le fait, afin qu'on défende au maître convaincu, d'exiger ainsi à l'avenir plus qu'il n'avait coutume [sic] de recevoir, et qu'on lui fasse rendre ce qu'il aura extorqué par tel surcroît."

Cette fixité de la redevance s'est continuée durant le moyen-âge, et était le prix général en France.

Guizot, dont le témoignage a l'autorité d'un écrivain aussi profond qu'impartial, dit que la condition des colons romains ne fut pas changée, par le système féodal, en ce sens que leur redevance foncière demeura fixe. La capitation seule fut arbitraire, dit-il, comme sous l'empire.

La fixité du cens est parfaitement prouvée par la résistance que firent les seigneurs, pour empêcher les rois de maintenir la valeur monétaire du cens à sa valeur primitive. Et l'histoire constate que, nonobstant le pouvoir qu'on prétend

qu'ils avaient, un très grand nombre fut ruiné par la défense d'augmenter le cens en proportion de la diminution dans la valeur de l'argent, et de pouvoir exiger au-delà la rente nominalement indiquée dans les titres d'inféodation, à une époque où l'argent avait une grande valeur.

Ces faits prouvent aussi que les seigneurs n'avaient pas la propriété absolue que le savant conseil a réclamé pour ses clients. Brussell, dit que le mot fief (feodum) ne désignait pas terre, mais la mouvance de la terre, les profits de la terre.

Voici comment Guizot définit la propriété [sic] féodale:

"La propriété féodale, est propriété réelle, pleine, héréditaire, et pour-tant reçue d'un supérieur [sic], imposant à son possesseur sous peine de déchéance certaines obligations personnelles, manquant enfin de cette complète indépendance qui est aujourd'hui le caractère de la propriété."

Dès le 16^e siècle la noblesse a cessé d'être comptée comme puissance politique.¹⁵ At the time when New France was established the idea of servility as connected with the holding of land had disappeared¹⁶. Les éléments sociaux sont réduits à deux, le gouvernement et le peuple.¹⁷ La noblesse, décapitée par Richelieu, avait perdu la domination; elle ne disputait plus que pour des droits de préséance, qu'elle n'obtenait pas exclusivement. Ainsi Louis XIV, sur les plaintes de nobles d'une province, ordonne que les nobles aient à certains jours les honneurs de la préséance, de l'eau bénite et du pain béni; et qu'à certains jours les roturiers aient à leur tour, les mêmes droits et les mêmes honneurs. Depuis le 16^e siècle la loi n'est plus exceptionnelle, elle est générale, universelle, obligatoire également pour tous les citoyens. On peut apprécier la valeur de la noblesse par les lettres du roi, dès 1371, qui déclaraient tous les habitants de Paris nobles.

La preuve que depuis longtemps il n'y avait plus en France que deux pouvoirs, le gouvernement et le peuple; c'est la déclaration faite par Louis XIV, en 1648, "qu'il ne serait fait à l'avenir aucune imposition qu'en vertu d'édits dûment vérifiés."

La puissance du peuple, des masses, des roturiers, dont le mouvement d'ascendance datait du 10^e siècle, avait tellement conquis, dominé toute la société, qu'en 1789, quand la question fut posée par Siéyes dans son célèbre pamphlet: Qu'est-ce que le tiers-état? Il suffit de poser la question pour la résoudre: le tiers-état c'était la nation française, moins la noblesse et le clergé.

Le savant conseil n'a pas osé se faire le défenseur du système féodal. Il était trop éclairé pour le faire,¹⁸ but he spoke for those who were the representation of the system¹⁹ [et] il avait au nom de ses clients, avancé des doctrines, dont l'erreur avait été cachée sous l'admirable arrangement de son discours. Le système fut universellement impopulaire en France comme en Canada, parcequ'il était le symbole de la force brute et de la conquête. Cependant quoiqu'elle fut la conséquence de la loi du plus fort, la féodalité n'a jamais comporté la servitude.

Brodeau déclare que la prestation du cens, la foi et hommage, ne sont pas des marques de servitude, mais des charges seigneuriales, foncières et réelles. Hervé exprime une opinion semblable. Le droit féodal était fondé, jusqu'à un certain point, sur la résistance à tout autre pouvoir que sa volonté; et son principe ne pouvait comporter la servitude; un des services qu'il a rendus à la société, c'est d'avoir implanté le principe de la résistance à l'oppression: ce droit n'a jamais été dépendant uniquement de la volonté du seigneur. Dès 1580, époque de la réformation des coutumes du consentement et de l'avis des tiers états, ce droit était déterminé par la loi commune. Il était défini, reconnu comme défavorable et de droit étroit, et devant toujours être interprété rigoureusement et dans l'intérêt du censitaire. Il fallait un titre pour tout droit qui n'était pas reconnu par la coutume; et même tous les droits admis et

reconnus par les censitaires dans les reconnaissances, étaient déclarés non acquis et nuls, s'ils n'avaient pas été imposés dans les contrats primitifs.²⁰ Here indeed these conventions were attempted to be urged in favour of the Seigniors; but in France²¹, il y avait une règle qui dominait tous les contrats, c'est que les conventions des parties ne pouvaient déroger au droit public, et que toute stipulation qui était en contravention avec le droit public était nulle. Il est allégué pour soutenir les prétentions des seigneurs qu'en France, on ne s'était jamais occupé des classes pauvres, des roturiers. Cet avancé n'était pas vrai. Au contraire, du moment que la société se fut un peu régularisée, et qu'elle commença à sortir de la barbarie, et du chaos qui suivit l'invasion, un des soins constants des législateurs fut de protéger les travaux des laboureurs: dès 1315, on imposa des peines contre ceux qui troubleraient les laboureurs dans leurs travaux.

En 1367, le roi fit une ordonnance qui exemptait les laboureurs de la prison pour dette. La royauté qui s'était appuyée sur le peuple pour vaincre la féodalité, assura, par une législation aussi sage, dont la sagesse est encore admirée, les intérêts de toutes les classes, en leur garantissant une protection par des tribunaux indépendants.²² This tendency was constant, so that in the time of Louis 14th, it was evident in every page of legislation that the monarch enforced the most vigorous equality of all citizens before the law.²³

L'arbitraire a depuis longtemps disparu devant une codification savante, précise et embrassant les points les plus importants des relations des citoyens entre eux.

Est-il raisonnable de supposer qu'à l'époque où cet ordre légal prévalait, quand la royauté avait abattu la féodalité et la noblesse souveraine qu'elle ait désiré d'établir dans la nouvelle France un ordre de choses qu'elle avait combattu pendant si longtemps dans la mère-patrie? rien ne justifie cette opinion. Le but des rois et du gouvernement était la colonisation du pays, le placement d'une population considérable dans la colonie. Cela est évident, et hors de doute, dans tous les documents, dans toute la législation de cette époque. Jamais législature n'a pris un soin plus constant, plus persévérant de protéger les habitants, les colons, les roturiers, le peuple. Les ordonnances, les édits, les déclarations, les instructions, les arrêts, la jurisprudence locale de toute cette période jusqu'à la cession, tout est fait dans l'intérêt du peuple et non de la noblesse. Ce fait est tellement prouvé, que le savant conseil des seigneurs faisait remarquer que la jurisprudence des intendants fut toujours accusée par les seigneurs comme leur étant défavorable. En octroyant à la colonie le droit coutumier, on favorisait l'établissement de la colonie, en laissant aux colons un système qui était connu de tous. La modération de la redevance, le fait que dans la coutume de Paris, quoiqu'il n'y eût pas de loi formelle, la fixité du cens était la règle qui servait de guide, avaient toujours fait regarder le droit coutumier, dans l'étendue de la vicomté de Paris, comme le plus favorable aux habitants. L'intention des rois de France de maintenir cette modération dans le taux des redevances et même un taux fixe et uniformes [*sic*] est non seulement indiquée, mais elle est partout, dans toutes leurs lois, positivement énoncée. La législation ne laisse aucun doute; elle précise et fréquente, parce que les seigneurs travaillaient incessamment à l'éluder, et profitaient de leur position pour en empêcher l'exécution. Les seigneurs composaient le Conseil supérieur, et nous avons la déclaration de l'intendant qu'ils se refusaient à enregistrer les édits du Souverain quand ces édits leur étaient contraires. Et si l'arrêt qui fut demandé par les intendants n'a pas été rendu, si le projet qui a été publié dans les volumes qui nous ont été adressés, n'a pas été signé, c'est sans doute [*sic*] l'influence des seigneurs qui en a été cause. Ils avaient plus que les censitaires, par leur fortune, par leur éducation, par leurs relations en France, moyen de préjuger le roi et ses ministres.

La raison donnée par les seigneurs et leur conseil est, qu'attendu qu'on ne trouve nulle part une loi fixant d'une manière précise et invariable le taux légal de la redevance, ils ont droit de demander les rentes et les conditions qu'ils veulent. Cette prétention est erronée, et la preuve de sa fausseté est presque [sic] donnée par le savant conseil, quand il admet que, si autrefois la loi ordonnait une redevance uniforme et modique, elle avait été changée et modifiée par les décisions des tribunaux depuis la cession. Mais ces décisions étaient-elles justes? Sans les attaquer, il se contenterait de dire que la réprobation universelle du peuple était la meilleure preuve que cette jurisprudence était opposée à ses traditions et à ses anciennes institutions, de même que la haine des peuples contre la féodalité en Europe fait dire à Guizot que cette haine universelle et de toutes les époques était la condamnation des cances [sic] et des principes du système.

Tout le monde admet les mauvaises influences de la tenure seigneuriale et la nécessité de son abolition dans l'intérêt public. La loi soumise au parlement proposait une solution juste et facile. Il était impossible de soutenir, de bonne foi, que les seigneurs n'étaient pas indemnisés de leurs droits et comme il l'avait déjà dit, les seigneurs étaient mieux traités par la loi que les censitaires.

Il serait, personnellement, en faveur d'une commutation plus prompte, mais il doutait que le pays fût prêt à accepter un ordre de choses plus expéditif. On retarderait la solution, si on passait une loi qui serait, par le principe d'une commutation forcée et immédiate, tellement impopulaire, que l'agitation et l'opinion publique nous forceraient de la rappeler. Quelques détails pouvaient être imparfaits, mais ces détails seraient discutés plus tard en comité, et arrangés de manière à rendre la mesure encore plus acceptable à tous les intérêts.

Le plan proposé n'était pas eutièrément [sic] neuf; il était, en substance, celui recommandé par les commissaires nommés pour s'enquérir de la tenure, et il était en harmonie avec les opinions et le jugement rendu par ce tribunal, chargé spécialement d'étudier toute la question. Il croyait devoir dire, dans l'intérêt des censitaires, que l'opinion de ces commissaires était diamétralement opposée, sur tous les points, à celle du savant conseil des seigneurs et de ses clients. Cependant ces hommes étaient des hommes d'une grande réputation comme légistes, d'une probité sans reproche, et placés dans des positions à n'être pas accusés de partialité. L'un de ces commissaires était feu M. Buchanan, dont les connaissances légales étaient aussi étendues qu'exactes; les deux autres MM. Smith et Taschereau, sont maintenant juges.

Le savant conseil des seigneurs sentant la fausseté de sa prétention, quant à la propriété absolue de leurs seigneuries, si l'arrêt de Marly était la loi, nous a dit que l'arrêt de 1711 ne fut jamais considéré obligatoire contre les seigneurs; qu'il n'était que comminatoire; que l'arrêt de cette date contre les censitaires avait seul été exécuté. Et il a cru prouver ce fait, en constatant que beaucoup plus de censitaires avaient été poursuivis d'après leurs dispositions que de seigneurs; mais il a fait semblant de ne pas voir qu'il y avait des milliers de censitaires et seulement quelques seigneurs. D'ailleurs, cet avancé est démenti par tous les documents historiques et législatifs de cette époque. Il suffit de lire le rapport et les autres livres qui ont été publiés pour s'assurer qu'il est impossible de ne pas arriver à la même conclusion que les commissaires; que l'arrêt de Marly a été et est encore la loi du pays, et qu'avant la cession il n'a jamais été considéré par les seigneurs et les intendants comme une loi purement comminatoire. La raison seule donnée comme motif de sa promulgation, fait voir que le souverain n'avait aucun dessein de favoriser les exactions dont les habitants se plaignaient. Cela est admirablement démontré dans le rapport des commissaires. Ils remarquent

justement, "que les dispositions législatives adoptées relativement à la colonie, les termes des concessions mêmes ont beaucoup modifié les droits et les obligations réciproques des seigneurs et du vassal, et que l'on a, par des dispositions précises, fixé la nature exacte et l'étendue des droits des concessionnaires de la couronne et de leurs obligations; que, dans le fait, ces modifications laissèrent cette tenure dans l'état où elle paraît avoir été en France, quand la politique coloniale de l'empire romain fut adoptée par les conquérants francs, et incorporée dans leur système de lois."

Les exactions des seigneurs nécessitèrent l'édit de 1711.

Les commissaires donnent leur opinion que les concessions royales comportaient l'obligation de concéder moyennant une redevance modique, à simple titre de redevance, sans qu'il fût au pouvoir du seigneur d'exiger une somme d'argent comme capital pour prix de la concession; que la loi du pays, lors de la cession, est encore dans toute sa force et vigueur, et que les conditions conventionnelles sont nulles si elles répugnent à quelque édit, arrêt ou ordonnance.

De 1711 à 1759, les rentes n'ont pas matériellement augmenté ou varié, et malgré les différents modes de payer, disent les commissaires, il est digne de remarque que d'après un juste calcul, on trouve le même résultat, et que le taux le plus élevé des concessions avant la conquête n'excède pas deux sous par arpent en superficie. Il est impossible de ne pas admettre, avec les commissaires, "que l'absence de changement tend à démontrer qu'on a suivi partout un taux uniforme, et à attester la vigilance de la branche du gouvernement à laquelle était confiée l'exécution des lois, et ainsi que l'on s'est strictement conformé aux volontés du roi par rapport à la tenure."

Quoiqu'il n'y ait pas eu de loi positive, quant à la fixité de la redevance, le fait en est constaté, et un règlement de cette nature est la déduction logique de la loi de 1711. Elle ordonnait à l'intendant de confisquer la terre et de la concéder aux taux et redevances accoutumées et établies. Quoique le seigneur fût investi de la propriété absolue du fief, disent les commissaires, il était obligé de concéder à simple titre de redevance, et il n'était pas en son pouvoir d'imposer au censitaire d'autre charge que cette redevance. Les commissaires ajoutent "que prétendre que ce ne sont pas les véritables conditions auxquelles on était tenu de concéder, ce serait convertir un héritage grevé d'un fidéi-commis un franc-alleu absolu, nier que le seigneur fût obligé de concéder au taux ordinaire et établi avant 1711, ce serait frustrer les fins pour lesquelles les édits et arrêts ont été rendus." L'opinion des commissaires sur le droit des seigneurs de demander des rentes plus élevées est donnée d'une manière aussi décidée que logique. "Nous ne voyons aucune différence, soit que l'on exige une somme d'argent, soit que ce prix soit stipulé sous forme de redevance imposée sur la terre; dans le fait c'est une seule et même chose, le résultat est le même. Dans l'un et l'autre cas c'est de la part du seigneur une violation de la loi."

La demande d'un seigneur, de redevances plus élevées que celles établies avant 1711, doit être considérée comme un refus de concéder; et dans ce cas le censitaire a droit de se prévaloir de la loi de 1711.

Pour démontrer la fausseté de la prétention des seigneurs, que l'obligation de concéder n'ayant pas été insérée comme une condition de la concession que la couronne leur faisait, ils ne peuvent être tenus de concéder, il suffit de dire que la propriété de tous les sujets reste toujours soumise à la loi et à son action dans le temps. Telle condition était inutile, puisque par la loi elle pouvait être imposée subséquemment, et l'omission ne pouvait exclure telle propriété de l'action et du contrôle de l'édit de 1711, qui fut promulgué dans le but spécial et hautement avoué de lui imposer cette condition avec des limitations précises et définies, dans l'intérêt non du seigneur, mais du censitaire, dans un but de coloniser, et non de favoriser une classe privilégiée.

Les commissaires, comme le savant conseil des seigneurs, ont examiné la question comme une question purement légale, et cependant, d'accord avec beaucoup

d'hommes éminents, et l'ancienne législature du Bas-Canada, ils ont déclaré que les seigneurs étaient tenus de concéder, à une redevance modique; qu'ils n'avaient pas ce droit absolu de disposer de leur propriété; que l'arrêt de 1711 et de 1732 n'étaient [sic] pas seulement comminatoires [sic], mais qu'il était et avait toujours été la loi du pays; et qu'il établissait par ses dispositions une fixité de redevance. La fixité de cette redevance est démontrée d'une manière frappante, disent les commissaires, par la circonstance qu'il a fallu l'autorité formelle du roi pour permettre aux seigneurs de Montréal d'augmenter les taux établis. En effet, si les seigneurs avaient regardé la loi de 1711 comme une loi comminatoire, auraient-ils cru devoir s'adresser [sic] au souverain pour en obtenir une légère modification?²⁴

The hon. member then proceeded to read several other extracts from the report of the Seigniorial Tenure commission, all going to establish the opinion [sic] that the arret of Marley [sic] was the law, which had been constantly and idolated [sic] by the Seignors [sic]. The learned Counsel had indeed proposed to discuss this question in a purely legal point of view: for his own part he thought, if it were so discussed,²⁵ il arriverait probablement ce que feu le juge Reid prévoyait; que ce ne serait pas le censitaire qui paierait une indemnité, mais que ce seraient les seigneurs.

La déviation de l'ancienne jurisprudence sur cette matière, par les tribunaux, a été justement appréciée par les commissaires.

Non seulement les cours, depuis la cession, se sont départies de la lettre même de la loi qui régissait la tenure sous le gouvernement français, mais elles ont même dévié de l'esprit de la politique de cette loi, ainsi que des conditions des titres primitifs.

Il faut aussi dire, que si toutefois les cours ont refusé de mettre à exécution l'arrêt de 1711, elles n'ont jamais déclaré qu'il n'était pas la loi du pays.

La conversion des droits seigneuriaux en rentes constituées rachetables à volonté, était de fait la seule application d'un principe nouveau dans la mesure proposée. Et même ce principe n'était pas nouveau dans la législation française.

Dès 1441 Charles 7 déclarait les rentes foncières et seigneuriales rachetables à volonté. En février 1554, il y eut une autre déclaration, que la faculté du rachat de ces rentes serait imprescriptible. La raison que le législateur donnait de cette loi, était cet axiome, que le droit français a emprunté du droit romain [sic], "epactorum partis juri publico non derogatur." La moralité des contrats privés n'a jamais été expliquée dans la jurisprudence française, de manière à porter atteinte au droit public, décrété dans l'intérêt général. Cela est dans l'intérêt de la bonne moralité; car autrement le seigneur, ayant l'avantage de son éducation, de sa connaissance des intrigues légales, de sa position, imposerait des conditions réprouvées par la loi, un censitaire, qui transige avec ignorance de ses droits, ou par crainte.

En 1789 l'assemblée nationale décréta les rentes seigneuriales rachetables. Mais, sans parler de cette époque révolutionnaire qui pourrait rappeler des souvenirs de violence et d'anarchie, on ne doit pas oublier que le code Napoléon, qui fut donné à une époque où l'ordre était parfaitement rétabli, déclare que les rentes seigneuriales et toutes rentes foncières seront essentiellement rachetables. Si les arrangements proposés pour la conversion de ces rentes et leur rachat paraissaient defectueux, cela serait discuté dans le comité.

Les seigneurs et leur conseil nous ont dit que le gouvernement était assez fort pour faire passer²⁶ this or any other measure they pleased²⁷. Ce langage était aussi peu justifiable qu'il était inexact: car, sous notre forme de gouvernement, ce n'était pas l'administration qui commandait le parlement, mais la majorité de cette chambre qui commandait le gouvernement. Les lois ne sont pas des actes de force, mais des actes de justice et de raison. Quand le législateur fait des règlements sur la propriété privée,²⁸ it [sic] ought not to do so as master to create new rights at its [sic] will; but as the judge to decide according

to justice between contending parties²⁹ et maintenir l'ordre.³⁰

MR. MARCHILDON ... [said] some words³¹.

MR. LACOSTE (in French) addressed the House. He considered the abolition of the Seigniorial tenure not merely a benefit to the censitaire but to society in general, and even in some respect to the Seignior himself.³² On a beaucoup parlé des avantages et des désavantages que ce bill doit occasionner aux seigneurs; mais on n'a rien dit de ceux des censitaires, et c'est pour cette raison que je parcourrai les différentes parties de ce bill pour considérer quels avantages ou désavantages pourront leur en résulter.

1ère partie du bill.--Concession des terres.--Il est assurément d'une grande utilité de mettre les terres incultes dans le commerce, mais c'est une utilité publique et pour l'avantage général de la société, et non dans l'intérêt des censitaires, surtout si on considère le mode adopté dans ce bill pour concéder [sic] ces terres. Par ce mode, le seigneur peut concéder dans une seule famille douze à seize arpents de terre; on verra que les mêmes abus qui ont existé par le passé pourront se continuer; que les seigneurs, outre les rentes, pourront retirer des sommes d'argent de ces terres, comme ils l'ont fait auparavant. Pour parvenir à ce but, ils concéderont plus volontiers à des étrangers qu'aux censitaires établis dans leur seigneurie. Ceci serait une injustice; car la valeur de ces terres ne s'est augmentée que par les travaux faits par les censitaires, par les chemins, ponts, cours d'eau, etc., pour lesquels ces terres n'ont jamais été cotisées. Les censitaires, dans chaque seigneurie, ont donc, jusqu'à un certain point, un droit à l'octroi de ces terres, du moins plus que personne autre.

Le mode le plus convenable, je crois, pour obvier aux abus qui se sont introduits par le passé et qui continueront pour l'avenir, et pour éviter les frais, les procès et les désagréments qui résulteront du mode proposé par le bill et aussi pour mettre les censitaires à même de profiter de l'espèce de droit qu'ils ont acquis à l'octroi de ces terres, serait de faire vendre ces terres à l'enchère, sous la direction de la couronne ou du seigneur même, et de fixer le montant que le seigneur aura droit de recevoir. Ce que la terre sera vendue en sus serait employé à aider les censitaires dans le rachat des lods et ventes et autres droits seigneuriaux. Par ce mode, les censitaires seraient à même de profiter également de la plus grande valeur de ces terres incultes, augmentation à laquelle ils ont contribué.

2de partie du bill.--Réunion au Domaine.--³³ He approved of the restriction imposed on the right of retrait.³⁴ Les seules remarques que je ferai à présent sur cette partie du bill, sont que les dispositions devraient s'étendre aux emplacements abandonnés et que la vente par le shérif devrait être supprimée et remplacée par une simple vente à l'enchère.

3me partie du bill.--Définition des droits seigneuriaux.--Je crois qu'il conviendrait de définir non seulement les droits seigneuriaux qui doivent exister par la suite, mais aussi ceux qui doivent être rachetés, en vertu des dispositions de ce bill; et le moyen le plus convenable, suivant moi, pour parvenir à une juste définition, serait d'obliger les seigneurs de faire leur aveu et dénombrement à la couronne, et tous les droits qui ne sont pas confirmés par les lois existantes, seraient blâmés, et portés devant les tribunaux, et jusqu'aux tribunaux en dernier ressort, pour obtenir une décision légale sur ces points contestés. Autrement, quand bien même on accorderait aux seigneurs plus de droits qu'ils n'en ont, ils prétendraient toujours qu'on ne leur a point rendu justice et qu'on a touché à leurs droits acquis. Suivant moi, l'exécutif aurait dû aviser le représentant de Sa Majesté en cette province, d'exiger ces aveux et dénombremments; c'était à la couronne, dans l'intérêt de ses sujets, de faire décider tous les différends existants entre les seigneurs et les censitaires. Si le vassal s'écarte des conditions qui lui sont imposées par la loi ou par

la concession de son fief, c'est à son seigneur suzerain à l'obliger de ne point sortir des limites qui lui ont été fixées.

De plus les aveux et dénombrements suppléaient en grande partie au cadastre mentionné dans la partie suivante de ce bill.³⁵ This would be a much shorter mode than the codestres³⁶. Revenant aux droits seigneuriaux qui doivent continuer à exister par ce bill, je remarquerai que les seuls droits existant actuellement par la loi, sont les cens et rentes et les lods et ventes. Tous les Jurisconsultes en conviennent. Par ce bill on ajoute à ces droits le droit de banalité et le droit de retrait, tous droits conventionnels, qui probablement n'existent plus dans beaucoup de seigneuries, soit qu'ils aient été prescrits, soit autrement.

Si ce bill devient loi, ces droits au lieu d'être conventionnels vont devenir des droits de l'essence du système féodal et par conséquent imprescriptibles. Par cette partie du bill, pourra-t-on dire que les droits acquis des censitaires ne sont point touchés ou affectés? et qu'il n'en résulte point un grand désavantage aux censitaires et qu'on se renferme dans l'obligation où nous sommes de respecter les droits acquis? Je ne vois pas comment cela peut être; en retour il est dit que les censitaires pourront bâtir des moulins, établir des manufactures, et que les pouvoirs d'eau qui se trouveront sur la terre du censitaire lui appartiendront et qu'il pourra y bâtir un moulin. Je ne vois point que cela donne aucun avantage particulier aux censitaires; en général seulement cela fournit quelque avantage à la société, et un grand avantage à celui qui se trouvera posséder cette place de moulin. D'ailleurs le seigneur a le droit de se réserver une place de moulin de six arpents pour son moulin banal, ce qui diminue encore l'avantage donné par le bill de construire des moulins. Car c'est à peine s'il existe, par seigneurie, quatre ou cinq pouvoirs d'eau.³⁷ Then for the banality, it would be believed be right to ascertain where that really existed before obliging the censitaires to commute; for otherwise the bill would be an attack [sic] upon the vested rights, not of the Seignior but of the censitaire.³⁸ De plus le droit de banalité, qui n'est qu'un droit conventionnel, devient par le bill un droit seigneurial et par suite imprescriptible.

4^{me} partie; commutation des fonds en roture. Cette partie du bill est consacré en plus grande partie à régler et consacrer les droits que l'on nomme improprement droits seigneuriaux, mais qui n'en sont point, n'étant que des droits conventionnels, et à en faire un cadastre, qui peut être suppléé, comme je l'ai déjà dit, par les aveux et dénombrements des seigneurs. Les frais de ce cadastre, suivant moi, ne peuvent être moins de cinquante mille [sic] louis. Il y a au-delà [sic] de deux cent [sic] seigneuries. Admettant qu'il n'y en ait que deux cent [sic], de quatre lieues en superficie chacune, cette somme formerait deux cent cinquante louis par seigneurie. Toute personne qui a eu occasion de régler des affaires seigneuriales de ce genre, ne peut nier que c'est la moindre somme que cela pourrait coûter. Une semblable somme fera un assez grand vide dans le fonds réservé pour l'indemnité des seigneurs, et cela pour régler des droits conventionnels, qui ne nuisent nullement à la société en général, ni même au plus grand nombre des censitaires.³⁹ The expense of the cadastres ... would be enormous, and all that was to be answered only to leave the most troublesome part of the system the lods et ventes, still existing while the commutation applied to that part, which did not really prevent progress, he meant the fixed rent. He did not believe that the fund provided would redeem the rents, but thought it would go very far to redeem the lods et ventes.⁴⁰ Le mode adopté, dans cette partie du bill, pour constater les droits casuels, les droits qui sont de l'essence du système seigneurial, est, suivant moi, celui qui convient le mieux et les seuls frais à cette fin consistent à obliger les seigneurs à fournir leur recette de ces sortes de droits durant un certain nombre d'années, et d'obliger les municipalités de fournir leur rôle de cotisation, pour répartir

entre les censitaires et former leur quantum respectif dans le paiement de la somme qui deviendrait dûe aux seigneurs pour la valeur de ces derniers droits. Je voudrais que cette loi, pour les droits de l'essence du système féodal, fût compulsoire pour le censitaire comme pour le seigneur; que la tenure actuelle disparût du jour de la sanction de cette loi pour faire place à la tenure le franc alleu roturier. Mais je voudrais que l'indemnité que le seigneur devrait à la couronne par ce changement de tenure, de même que le fonds mis aujourd'hui à la disposition de la Législature pour le règlement de cette grande mesure, fussent employés à aider les censitaires dans le rachat de ces droits. Cela ne serait que juste, vu que ces droits nuisent au progrès et à l'avancement du pays et que leur abolition et leur extinction [*sic*] intéressent toute la société en général. Je crois aussi qu'il conviendrait d'abolir le droit de banalité dans les seigneuries où il se trouverait encore en vigueur, quoique droit conventionnel, vu qu'il nuit pareillement au progrès et à l'avancement, et la valeur en serait prise sur les fonds que je viens de mentionner.

J'aimerais qu'on adopterait le même mode pour le rachat des droits féodaux sur les arrière-fiefs, que pour les rotures. Un cinquième de leur valeur est beaucoup trop. Je doute que la valeur réelle de ces droits monterait plus qu'à un quinzième ou un dix-huitième de la valeur entière de ces fonds.

5me partie.--Indemnité des seigneurs.--Dans cette dernière partie du bill, que voit-on? Après s'être efforcé de faire voir que certains seigneurs ont enfreint les lois existantes, et commis des abus en insérant dans leurs contrats de concession à leurs censitaires, des obligations contraires à ces lois, on dit à ces mêmes seigneurs: vous serez payés pour tous ces abus, pour tous ces droits ainsi créés à l'encontre des lois, telles qu'elles ont été interprétées. On s'est pareillement efforcé de faire voir que les jugements rendus dans nos tribunaux, reconnaissant ces abus comme droits dûs, étaient erronés; mais où ira-t-on chercher l'interprétation? Naturellement, ça ne peut être ailleurs que dans les décisions de ces mêmes tribunaux, et non dans l'opinion de quelques jurisconsultes, pas même dans le rapport de la commission nommée en 1843. C'est pourquoi, je ne crois point que les seigneurs qui ont de fortes rentes ou autres droits conventionnels, considérés contraires aux lois existantes, étant certains d'en être payés en vertu du bill, s'il devient loi, soient sérieux dans leur opposition.⁴¹ He repeated that he thought it the duty of the ministry to call for the aura et demembrement of the Seigniories and to rectify the abuses.⁴²

Admettant que ces droits seraient devenus légitimement dûs aux seigneurs qui en auraient joui de bonne foi, je crois qu'il vaudrait mieux laisser ces seigneurs jouir de ces droits, et indemniser les censitaires qui se trouveraient en souffrir, en affranchissant leurs terres du cens et des lods et ventes et en en payant la valeur au seigneur. Ce serait plus dans l'intérêt de ces censitaires, vu que le droit de lods et ventes est un droit qui va toujours croissant et même dans l'intérêt de la société, vû que ce droit est contre le progrès et un empêchement aux améliorations. Au contraire, les droits qu'il est question de racheter par ce bill, sont des droits qui ne peuvent que diminuer de valeur et ne nuisent nullement au progrès; ce sont des dettes de la nature de beaucoup d'autres, qui peuvent se créer de nouveau le lendemain de la loi, sous un autre titre.⁴³ These rents were common contract debts that no one ought to complain of⁴⁴. De plus le rachat du droit de lods et ventes coûterait près de moitié moins que ces derniers droits ou plutôt abus, dont je viens de parler en dernier lieu.⁴⁵ To redeem the lods et ventes ... would ... be much more satisfactory to all parties since by redeeming the rents, the lods which it was now proposed to leave would be increased.⁴⁶

Je ne vois point comment on peut prendre à même le fonds consolidé, pour régler des droits conventionnels entre un petit nombre d'individus, dans leur intérêt purement individuel. Il n'y a qu'un vingtième environ des seigneurs

et des censitaires⁴⁷ who would be benefitted by the public purchasing out the excessive rents, since they were not universal, and those who had only contracted for low rates would not benefit at all by the change⁴⁸ tandis que le peuple en masse demande l'abolition du système seigneurial, qui ne subsiste que par le cens et les lods et ventes, lesquels éteints font disparaître le système seigneurial. En employant ce fonds au rachat de ces droits, les censitaires seraient prêts à payer le surplus nécessaire pour les faire entièrement disparaître et par là libérer la société [sic] d'un puissant obstacle au progrès et à l'avancement du pays. Si des censitaires ont paru contraires au rachat immédiat de ces droits [sic], c'est qu'on leur a fait croire que cela leur coûterait des sommes considérables, lorsque cela ne leur coûterait qu'environ un trente-sixième de la valeur de leurs propriétés, sans l'aide que j'ai mentionné et plus haut, et bien peu de chose avec cet aide.

Enfin, je considère que la question principale, dans ce bill, se réduit à ceci: le ministère met à la disposition de la législature un fonds pour la garantie de cette grande mesure; doit-on chercher à l'appliquer dans l'intérêt général ou dans l'intérêt individuel?

Est-il plus avantageux d'appliquer ce fonds au rachat de certains droits conventionnels, dans l'intérêt d'un petit nombre de seigneurs et de censitaires, surtout si ces droits ne nuisent nullement au progrès? Ou est-il plus avantageux d'employer ce fonds à aider le rachat des lods et ventes dans l'intérêt de la société en général, ce droit paralysant le progrès et l'avancement?⁴⁹

He would therefore vote for the principle of the bill, in the hope to amend it; but would vote against it unless something were done to charge [sic] the dispositions of which he complained, for he could not understand the propriety of relieving individuals at the general expense; nor of leaving an obstacle to improvements such as the lods were, while expense was incurred to abolish rents, which were mere private agreements [sic] having no more special vice in their nature than any other convention for rentes foncières. The cry throughout the country was for the abolition [sic] of the tenure; this bill at present left the distinctive and most onerous part of the measure.⁵⁰

MR. LEMIEUX (in French) ... was understood to contend that the pretensions of Mr. Dunkin at the bar were of the most absurd character.⁵¹ [Il] ne se proposait pas de parler lors de la seconde lecture du bill, parce qu'il pensait que tout le monde s'accorderait sur le principe du bill. Il pense encore que tous les membres sont disposés à régler cette grande question et à faire disparaître les abus actuels de notre tenure. Comme ce bill doit être référé à un comité de toute la chambre et qu'il renferme beaucoup de clauses qu'il n'approuve pas, il se réserve le droit d'exprimer alors ses vues sur les détails de la mesure.

Néanmoins, il croit devoir dire quelques mots maintenant, se réservant de discuter le bill plus amplement en comité général.

Ce bill est loin d'être satisfaisant pour les censitaires. Il ne peut pas s'expliquer comment les seigneurs peuvent y faire de l'opposition, à moins que l'on ne dise que les seigneurs ne l'opposent que pour la forme et dans le but de le faire passer, en faisant croire aux censitaires que les intérêts des seigneurs se trouvent considérablement affectés par les dispositions de ce bill. Il croit, au contraire, que ce sont les censitaires qui ont droit de s'en plaindre et que les seigneurs sont trop bien partagés. S'il était appelé à changer le titre du bill, il l'intitulerait avec plus de vérité "Bill pour protéger les seigneurs et légaliser leurs exactions."

En référant aux diverses clauses du bill, il y voit quelques contradictions frappantes. La première partie de l'acte définit les droits seigneuriaux, ce que les seigneurs auront droit d'exiger par la suite pour toutes les [sic] terres concédées. Ces droits consistent dans le cens et rentes et les lods

et ventes, et à ces droits sont ajoutés le droit de banalité et celui de retrait dans certains cas. Voilà tous les droits que la première partie du bill reconnaît appartenir aux seigneurs. Cette déclaration est claire et simplifie beaucoup les difficultés que le manque de définition des droits seigneuriaux faisait naître. Mais en référant à la dernière partie du bill, statuant sur l'indemnité à laquelle les seigneurs auront droit, on y voit quelque chose peu en accord avec cette définition et cette déclaration. Il lit cette clause, laquelle est ainsi conçue:

"Et attendu que plusieurs des pouvoirs dont étaient revêtus le gouverneur et l'intendant de la Nouvelle-France, par les lois promulguées par les Rois de France, pour la répression de toutes prétentions injustes de la part des seigneurs, n'ont pas été exercés depuis la dite cession du pays; et attendu que des différences d'opinion ont existé dans le Bas-Canada, et que des décisions contradictoires ont été prononcées par les tribunaux établis depuis ce temps relativement à la nature et à l'étendue des divers droits seigneuriaux; et attendu qu'en même temps qu'il est du devoir de la législature de rétablir (en autant que l'état actuel des choses le permettra) pour l'avantage des personnes qui continueront de posséder des terres en roture les droits et privilèges qui leur étaient assurés par la loi telle qu'interprétée et administrée à l'époque sus-mentionnée, il est également juste que les seigneurs qui ont joui d'avantages lucratifs dont les dispositions de cet acte les [p]riveront à l'avenir, quoique la jouissance de tels avantages ait pu être sanctionnée par les tribunaux depuis qu'ils ont cessé d'exercer les pouvoirs susdits, soient indemnisés des pertes qu'ils pourront subir par suite de la manière dont les droits que les seigneurs pourront exercer à l'avenir sont définis par cet acte; qu'il soit statué que tout seigneur pourra présenter aux dits commissaires un état détaillé du montant des pertes qu'il aura subies ou devra subir, par suite d'aucune limitation, restriction ou retranchement auquel il sera obligé de se soumettre pour se conformer à cet acte, dans la recette d'aucunes rentes ou profits, qu'il eut eu droit d'exercer ou de recevoir avant la passation de cet acte."

Il ne peut s'expliquer comment l'on peut vouloir indemniser les seigneurs pour des prétendus droits que la partie déclaratoire de la loi leur nie positivement. En vertu de cette clause, les seigneurs auront droit d'être indemnisés de toutes les charges, réserves et stipulations par eux imposées aux censitaires, et ainsi on légalise toutes les prétentions des seigneurs et on leur donne le droit d'exiger une indemnité pour leurs exactions. S'ils ont droit à cette indemnité, la première partie du bill qui leur nie la légalité de ces prétentions, est injuste; si, au contraire, ils n'y ont pas droit, il serait ridicule de les indemniser pour ce que l'on reconnaît être une exaction et une usurpation de leur part. Il voit dans cette clause un désir de faire payer aux seigneurs une indemnité à laquelle ils n'ont pas droit. Il ne voit pas non plus la nécessité de nommer des commissaires pour faire un cadastre des seigneuries, afin d'établir le montant payable par chaque censitaire, au cas de commutation. En statuant d'une manière claire et précise sur toutes les prétentions des seigneurs et des censitaires, et en établissant les droits que les seigneurs peuvent exiger de leurs censitaires, lesquels droits sont établis par la première partie du bill, il sera facile de constater quelle somme le censitaire devra payer à son seigneur, pour commuer la tenure de sa terre et la libérer des droits seigneuriaux. Il n'est pas nécessaire pour cela d'avoir recours à des commissaires qui seront obligés de faire de longues et dispendieuses enquêtes, ne tendant qu'à compliquer les affaires, à en retarder le règlement et à faire encourir des dépenses énormes, qui se monteront à £50,000, et peut-être plus, ainsi que l'a très bien fait remarquer l'honorable membre pour Chambly, M. Lacoste. On pourrait employer cette somme plus utilement, en venant en aide aux censitaires dans le rachat des droits seigneuriaux.

Pour le rachat de ces droits, on ne doit prendre en considération que les cens et rentes, les lods et ventes et le droit de banalité, et il n'y a pas besoin de commissaires pour déterminer la valeur de ces droits. D'après des calculs faits par des hommes très-versés dans les agences des seigneuries, tels que M. Lacoste, dont il se plaît à reconnaître les connaissances pratiques, les revenus donnés par les lods et ventes sont généralement égaux à ceux donnés par les cens et rentes. En constatant le montant que produisent les cens et rentes et en y ajoutant un montant égal, à peu près, pour les lods et ventes, et en répartissant ce montant total sur chaque terre, il sera facile d'établir le capital à payer pour le rachat des cens et rentes et des lods et ventes. Peut-être pourrait-on mettre le capital plus fort pour le rachat des lods et ventes que pour celui des cens et rentes, surtout si les cens et rentes sont fixés à deux sols. Ainsi, les fonds que l'on consacre maintenant pour payer ces commissaires, sans utilité, pourront aider les censitaires, à opérer le rachat des droits seigneuriaux.

Quant au droit de banalité, il le considère plutôt comme une charge imposée aux seigneurs qu'un droit lucratif, et il voudrait en décréter l'abolition immédiate, au moins dans les seigneuries ou partie de seigneuries dans lesquelles il n'y a pas encore de moulins banaux d'érigés. Il croit qu'aucun seigneur ne souffrirait par l'abolition de ce droit, qui n'est pas un droit seigneurial, mais simplement conventionnel. La construction et l'entretien des moulins banaux coûtent plus généralement qu'ils ne donnent de profits, et plusieurs seigneurs seraient bien aise de voir ce droit aboli.

Ceux qui ont construit des moulins ne souffriront pas non plus par cette abolition, si leurs moulins sont bons. Personne ne sera pressé d'aller construire un moulin près de celui du seigneur, si le moulin de ce dernier est en bon ordre et s'il suffit aux besoins du public. D'ailleurs, le public profiterait par la compétition, le seigneur se trouvant forcé par ce moyen de tenir son moulin en bon ordre.

Dans le cas, cependant, où il serait jugé nécessaire d'indemniser les seigneurs pour la perte de ce droit, il sera facile de déterminer cette indemnité, sans le secours des commissaires.

Quant au droit de retrait, il n'en parle pas. En le faisant complètement disparaître, le seigneur ne perd rien, et par conséquent il ne peut rien prétendre pour ce prétendu droit.

Il ne peut comprendre sur quelle base et pour quelles raisons le procureur-général veut fixer les cens et rentes à quatre sous par arpent de terre en superficie. Cette fixation n'est fondée sur aucun principe. Il a toujours cru et il croit encore que les seigneurs ne sont pas propriétaires absolus des terres situées en l'enclave de leurs seigneuries, et qu'au contraire, ils sont simplement fidéi-commissaires et sont tenus de concéder. Si l'obligation de concéder existe, il a dû y avoir un taux de déterminé, autrement cette obligation aurait été illusoire. Il croit que ce taux, jusqu'à la date de l'arrêt de Marly, du 6 juillet 1711, a toujours été moindre que deux sous par arpent en superficie, et depuis cette époque jusqu'à la cession du pays, on ne trouve pas de taux plus élevé que deux sols.

Par cet arrêt de Marly, le seigneur est tenu de concéder à titre de redevance. On voit par-là que le seigneur n'était pas maître absolu, et qu'il ne pouvait vendre. Cette restriction et cette obligation de concéder prouvent qu'il y avait un taux que les seigneurs ne devaient pas dépasser. Ce fait est d'ailleurs établi par les documents mis devant la chambre et par divers rapports, et spécialement par le rapport des commissaires de 1843. Il ne doute nullement qu'il y avait un taux, et que ce taux n'excédait pas deux sous par arpent. Il se plaît à reconnaître que le procureur-général, le commissaire des travaux publics et plusieurs [sic] autres membres ont admis qu'il

y avait un taux qui n'excédait pas deux sous par arpent.

Prenant donc ce taux de deux sous par arpent comme le plus élevé, il ne comprend pas, qu'en admettant ce fait, l'on veuille l'élever à quatre sous. Il est vrai que le procureur-général et le commissaire des travaux publics, tout en admettant le tanx [sic] légal à deux sous, ont dit que c'est par forme de compromis qu'ils l'élèvent ainsi à quatre sous, et que c'est pour en finir et pour régler la question. Il ne partage pas leur opinion et n'est pas prêt à accepter un compromis qui n'est qu'à l'avantage des seigneurs. Si l'on veut un compromis, il faut que ce compromis soit dans l'intérêt des deux parties et leur profite également. On dira peut-être que c'est parce que l'argent valait beaucoup plus alors qu'il ne vaut à présent, et que le blé et les chapons se vendent actuellement plus cher qu'alors. Il ne partage pas ce sentiment. Il y a une raison de plus pour ne pas angmenter [sic] les rentes à plus de deux sous.

Lors de l'établissement du pays et de l'octroi des concessions des seigneries [sic], le gouvernement n'avait en vue que la colonisation la plus prompte possible de la Nouvelle-France, et son but n'était pas de créer une aristocratie. Il a voulu que les concessions des terres fussent faites à la charge d'une modique redevance, créant un revenu en faveur des seigneurs, provenant de deux sources différentes, savoir; les cens et rentes et les lods et ventes. Si l'on veut faire un compromis par rapport aux cens et rentes, en les élevant à un plus haut taux que le primitif, il faudrait également étendre ce compromis anx [sic] lods et ventes, auxquels les seigneurs ont droit. A l'époque de l'établissement du pays et même jusqu'à sa cession, les lods et ventes n'étaient presque rien, d'abord parce que les mutations étaient peu fréquentes et ensuite à cause du peu de valeur des terres. Aujourd'hui une terre qui n'aurait pas rapporté autrefois trois ou quatre francs de lods et ventes, produit de 50 à 100 francs de lods, les propriétés ayant augmenté de valeur avec le temps, et au moyen des améliorations qu'elles ont subies. Cependant on ne propose pas de compromis par rapport aux lods et ventes, par exemple en déclarant que les lods se prendront sur la propriété nue seulement, indépendamment des améliorations. C'est pourtant l'industrie que l'on taxe, et on ne propose aucune réduction, aucnn [sic] compromis. Ce compromis pour régler les cens et rentes est donc tout à l'avantage des seigneurs et il ne peut l'accepter.

Le conseil des seigneurs, entendu à la barre de la chambre, a soutenu, pour appuyer les prétentions des seigneurs, que les rois de France, en concédant les seigneuries dans la Nouvelle-France, avaient voulu y établir une noblesse et qu'ils s'occupaient peu des colons. Cet allégué n'est pas fondé. Il suffit de lire ce qui a eu lieu en France et dans la colonie à cette époque pour se convaincre du contraire. Toute la législation de ce temps montre la sollicitude des rois de France et de leurs envoyés, pour les colons, qui étaient spécialement protégés. Si un censitaire était maltraité par son seigneur, il obtenait facilement le redressement de ses griefs, devant les autorités, et une justice prompte et effective lui était rendue. Le savant conseil est tombé dans plusieurs autres erreurs, qu'il ne relèvera pas maintenant, vû qu'il aura l'avantage d'exposer ses vues de nouveau, lorsque la chambre siégera en comité sur le bill.⁵²

MR. LAURIN (in French)⁵³: M. L'orateur,--La question qui nous est soumise est de la plus grande importance pour le Bas-Canada. C'est une question vitale, dont la solution doit faire sortir le pays de cet état de stagnation et de stupeur dans lequel il se trouve et retirer le peuple canadien de cet état de servage et d'ilotisme dans lequel le tient le système féodal. Le jour est arrivé, le peuple canadien doit être libre, il lui faut secouer le joug du vampire féodal, et jouir en toute liberté de son droit à la propriété.

La tenure seigneuriale est un obstacle à l'industrie et à l'avancement du pays. Loin de faciliter les améliorations, elle tend au contraire à faire dépérir la propriété. En effet quel est l'homme qui est bien disposé à employer son travail et son argent à améliorer sa propriété, lorsqu'il sait d'avance que les profits seront partagés par une classe privilégiée? Cette tenure est une violation du droit sacré de la propriété. Les censitaires ne sont point maîtres sur leurs terres, puisqu'ils ne peuvent point en exploiter tous les avantages. Le censitaire est donc assimilé à l'esclave; et si toutes les tentatives faites jusqu'à présent, pour faire disparaître le vestige du servage féodal, ont été infructueuses, il faut en accuser l'influence des seigneurs.

Plusieurs seigneurs ont violé leur devoir en exigeant des colons, outre la redevance ordinaire, un prix additionnel comme une considération pour les engager à concéder des terres incultes en roture, abus qui tendait à retarder l'établissement du pays. Le taux primitif des cens et rentes était de deux sols pour chaque arpent concédé. A l'appui de cet allégué viennent l'arrêt du 29 mai 1713, et l'édit de 1711, aussi le jugement de l'intendant Michel Begon du 22 janvier 1716 et celui de l'intendant Gilles Hocquart du 23 janvier 1731. Quelques seigneurs ont concédé des terres à des taux exorbitants et avec des surcharges odieuses; d'autres refusent de concéder des terres pour en exploiter le bois, et ils les concèdent, après l'exploitation du bois, à des taux aussi élevés que les terres bien boisées. Lors de la domination française en Canada, le gouvernement veillait à l'exécution de la loi relative au taux des concessions; mais aujourd'hui les tribunaux approuvent les plus odieuses usurpations des seigneurs, et souvent les censitaires se voient jugés par des seigneurs.

Les lods et ventes sont surtout une charge onéreuse sur l'industrie et le travail des cultivateurs. En effet un jeune homme prend à concession une terre en bois de bout, il la défriche; il donne par son travail à cette terre une valeur double et triple de sa valeur primitive; si ensuite il vend cette terre, il la vend pour un moindre prix que sa valeur réelle, parceque l'acquéreur se trouve obligé de payer les lods et ventes au seigneur. Ces lods et ventes se trouvent pris sur la valeur de la terre, et par conséquent c'est le produit du travail du cultivateur qui l'a défrichée, et loin [de] lui d'en profiter, c'est le seigneur qui en profite. Les lods et ventes ne devraient donc être pris que sur la valeur primitive de la propriété et non sur les améliorations.

Tous ces abus et toutes ces exactions de la part des seigneurs sont la cause efficiente de l'émigration de notre jeunesse canadienne aux Etats-Unis. Il faut donc arrêter ce mal qui semble se propager et faire disparaître tous ces prétendus droits seigneuriaux qui retardent le progrès matériel de ce pays.

Le savant avocat qui est venu plaider la cause des seigneurs à la barre de cette chambre, nous a dit que les seigneurs sont propriétaires et non des agents chargés de concéder des terres, et qu'ils ont droit de concéder les terres à tels taux et à telles charges qu'il leur plaît. Nous avons, pour réfuter cette argumentation, les arrêts, édits et ordonnances des rois de France et les jugements des gouverneurs et intendants du Canada qui fixent le taux des cens et rentes à deux sols par arpent dans les seigneuries. Nous avons aussi l'opinion de jurisconsultes distingués du Bas-Canada, tels que M. Andrew Stuart et M. le procureur-général Sewell qui a été juge-en-chef de la province du Bas-Canada, qui déclarent que le taux légal des cens et rentes est de deux sols par arpent en superficie. M. Sewell maintient que les seigneurs du Canada n'ont pas le droit d'exiger de leurs censitaires un taux plus élevé que les cens et rentes ordinaires établis et fixés par leurs prédécesseurs avant la conquête; et que le taux légal des cens et rentes dans les seigneuries est une matière de fait qui est maintenant constaté par les anciens contrats de concessions, et il déclare que l'édit du 6 juillet 1711 est encore en pleine vigueur, et que les censitaires ont droit de forcer

les seigneurs de leur concéder des terres au taux légal c'est-à-dire deux sols par arpent. Les lois du pays d'avant la cession existent dans toute leur force et vigueur par la 14^e Geo. 3. qui a rétabli les anciennes lois et coutumes qui régissaient la tenure seigneuriale.⁵⁴ Those rates ought now to be enforced. He contended that it would be quite proper to do this under the arrets of 1713. The legislature ought not to sanction illegal exactions.⁵⁵ Je suis surpris de voir le gouvernement nous proposer d'élever le taux des cens et rentes jusqu'à quatre sols, lorsque nous voyons que dans toutes les concessions faites par les seigneurs jusqu'à la proclamation de l'édit de 1711, le taux des rentes n'a jamais excédé deux sols par arpent en superficie, et que ce taux est le taux légal.

Le taux des cens et rentes devrait être uniforme dans toutes les seigneuries, et il devrait être fixé à deux sols par arpent. Pourquoi accorderait-on aux seigneurs qui ont augmenté le taux primitif des cens et rentes, plus d'avantages qu'à ceux qui n'ont pas commis d'exactions et qui ne reçoivent que deux sols par arpent de cens et rentes? C'est une injustice à faire à ces seigneurs que de les placer dans une position moins favorable que ceux qui ont augmenté le taux des cens et rentes. C'est les punir d'avoir fait leur devoir, et c'est en même temps sanctionner et approuver l'injustice faite par certains seigneurs à leurs censitaires. En un mot, c'est punir l'honnêteté et la bonne foi, et c'est récompenser la spoliation et la mauvaise foi.⁵⁶ That was to ... sacrifice the censitaires [for] the benefit of the Seigniors.⁵⁷

Mais dira-t-on, quatre sols par arpent n'est pas un taux trop élevé par la raison, que les terres valent plus à présent qu'elles valaient autrefois. Si les terres valent plus à présent qu'autrefois, les seigneurs en tirent aussi profit. Plus les terres ont de valeur, plus les lods et ventes dans le cas de mutation sont élevés, et ces lods et ventes sont une avantageuse compensation en faveur des seigneurs.⁵⁸ He held that the arguments of the counsel at the bar were absurd.⁵⁹

Il est ridicule ... de soutenir que la loi du pays accorde exclusivement à une classe unique de la société ces immenses pouvoirs d'eau qui, s'ils étaient libres, feraient du Bas-Canada, un pays vraiment manufacturier.

On reproche au Bas-Canada de ne pas avoir de manufactures. Quelle en est la cause?⁶⁰ If the country had not manufactures, and if capital were not expended in it, the fault was owing to the Seigniorial tenure, and he did not see that the law should be stained in its favor.⁶¹

Mais dira-t-on, vous voulez donc dépouiller les seigneurs de droits acquis? Je réponds à cette objection: Les seigneurs ont été acquéreurs de mauvaise foi ou bien acquéreurs imprudents; acquéreurs de mauvaise foi, s'ils connaissaient les exactions commises par leurs prédécesseurs, et acquéreurs imprudents, s'ils ont acheté sans examiner les titres originaux et le taux primitif des rentes. Ces seigneurs imprudents se trouvent dans la même position que les censitaires qui ont acheté des terres sur lesquelles se trouvent des hypothèques qu'ils sont obligés de payer, et qui n'ont pas été assez prudents pour faire des perquisitions pour découvrir ces dettes hypothécaires.

Pourquoi ferait-on la position des seigneurs plus favorable que celle des censitaires?

On a crié à la spoliation, on a traité de spoliateurs les membres de cette chambre qui veulent le règlement de la question des droits seigneuriaux. Ce sont les seigneurs qui ont augmenté le taux des rentes et qui ont commis des exactions, qui sont les vrais spoliateurs, et non les membres de cette chambre qui veulent accorder aux seigneurs leurs droits primitifs et délivrer les censitaires des exactions et de la cupidité des seigneurs.

Je voterai pour la seconde lecture de ce bill qui doit régénérer le pays et délivrer le peuple canadien de cet état de servage dans lequel le réduit le système féodal. Je me réserve néanmoins le droit de proposer des amendements

à ce bill dans le comité général de cette chambre.⁶²

MR. CARTIER (en anglais)⁶³ complimented the eloquence of Mr. Dunkin. He had appeared, it must be stated, at the instance of but few Seigniors, but that was no reason why their arguments should not receive attention. He (Mr. C.) denied the allegation of the learned Counsel that under the French Kings the people were counted as nothing. The history of France will not support that pretension. Here the hon. member entered at some length into the history of France in relation to this point to controvert Mr. Dunkin's arguments. The object of the Crown of France was to settle the country; and even some French nobles asked to become roturiers, without losing their titles, with that view. The honorable member next combatted the pretension that the Seignior was the proprietor of the soil of his seignior. Sufficient proof of that, was that no Seignior had ever dared to sell land, by a deed of sale. They all knew the law too well for that. True they had violated the law by charging high rates of rent, but they had never dared to go so far as to sell formally, which they might do, if they were absolute proprietors. The arret of Marly, was intended to have effect and not to a mere comminatory act, as contended by the counsel at the bar. He read from a report of a committee of the House of Assembly of Lower Canada, of which the late Andrew Stuart was Chairman, to the effect that Seigniors were bound to concede at low rates, but that the law was not enforced because the joint powers of the Governor and Intendants had not been transferred to the Courts. That Committee was composed of distinguished men, among whom besides the late Andrew Stuart, he might mention the name of the late Chief Justice O'Sullivan. The hon. D.B. Viger was also on the Committee and he ought to be considered a good authority on this point. The committee worked laboriously and took a good deal of evidence, and he should prefer its conclusions to those recently propounded on the part of the Seigniors at the bar. The hon. member enlarged at some length on banality, contending that it was conventional only, and not a Seigniorial right. He cited several cases, and alluding to that of Monk vs. Morris, about eighteen months ago, he stated that he did not think that it could be quoted as a precedent; and held that it was wrong. He did not think the Seigniors should have the right of banality in Lower Canada; the prosperity of which had been much retarded by the assumption of this right by the Seigniors.⁶⁴ Si les censitaires tenaient strictement à ce droit, ils forceraient les seigneurs de remplir leurs obligations, un grand nombre de ces derniers se trouveraient ruinés, car il est notoire qu'il n'y a pas, dans le Bas-Canada, un seigneur sur vingt qui ait des moulins convenables. L'exercice de ce droit de banalité a fait un grand mal. Tandis qu'il y a, dans le Haut-Canada, au-delà de deux cents moulins à farine, nous n'en n'avons dans le Bas-Canada, à Montréal, que deux qui puissent préparer la farine pour le marché. Notre farine est inférieure, et nous fesons ainsi une grande perte. Le seigneur ne doit prétendre à aucune indemnité pour la perte de ce droit; il ne souffrira pas par la concurrence si ses moulins sont en bon état.⁶⁵ If it were only to decide this point, this bill would be of vast service to the country. Coming to the right of retrait, which Upper Canada members would better understand as the right of pre-emption,-- he denied that the Seigniors of Lower Canada, possessed this as a Seigniorial [sic] right, and he was decidedly opposed to a clause of the bill, which gave the Seignior this right in cases of fraud.⁶⁶ Le retrait féodal et censier avait sa raison en France, on l'y avait introduit pour prévenir les démembrements de fiefs ou pour y remédier. En Canada, le retrait est incompatible avec l'obligation du seigneur de concéder ses terres, puisqu'aussitôt qu'il aurait exercé ce droit, on pourrait le forcer à concéder de nouveau. C'est un abus qui s'est introduit comme tant d'autres. M. Cartier est opposé à la clause du bill qui donne ce droit au seigneur dans les cas de fraude.

Le seul argument un peu plausible contre le bill mis en avant par les seigneurs est qu'ils recevront le prix de commutation partiellement et en différents temps, et qu'ainsi ils ne pourront placer leurs capitaux avantageusement. Ceci ne peut produire un grand mal. Les seigneurs ne seront pas tenus de dépenser leur argent au fur et à mesure qu'ils le recevront, et ils pourront le conserver. Si les seigneurs craignent de devenir trop prodigues, qu'ils demandent à se faire interdire, et on leur nommera des curateurs.⁶⁷ He next explained to Upper Canada members, the evil effects of lods et ventes. He stated a case in which a man might improve his land, and not be able to keep it. Then immediately lods et ventes would become due and he would have to lose one-twelfth of the value⁶⁸ de sa propriété.⁶⁹ In this way the seigniorial tenure repressed improvement of the country. If he thought this bill would do wrong to the Seigniors, he would not vote for it. But he did not believe it would. He wished to do impartial justice, and he wished to stop the present agitation in Lower Canada, which he believed would gain head if this question were not settled. To come to a point from which he had started he denied that the French crown had in view the interest [of] one class in the settlement of Canada but the interests of all.⁷⁰

MR. LEBLANC dit: Nonobstant que nombre d'honorables membres aient parlé avec beaucoup de science et de développement sur la présente mesure, je ne saurais cependant m'abstenir de dire quelque chose sur le sujet. L'importance de ce bill est trop grande pour que je ne fasse pas exception à mon habitude de voter silencieusement. Ce sur quoi je parlerai sera les deux points sur lesquels le savant avocat des seigneurs a appuyé avec plus de force. En premier lieu, il a affirmé ou prétendu que les seigneurs avaient la propriété absolue de leurs fiefs ou seigneuries, et en second lieu, il a nié l'existence d'un taux déterminé pour les cens et rentes. La doctrine de la propriété absolue dans les propriétaires de fiefs est dans ma science du droit féodal parfaitement erronée. Les principes fondamentaux de ce droit établissent deux genres de propriétés dans les fiefs, la propriété directe attribuée aux seigneurs et la propriété utile réservée aux censitaires. Indépendamment de ces principes très-formels du droit des fiefs, nous trouvons dans la plupart des contrats accordés aux seigneurs l'obligation de concéder les terres de leurs seigneuries. Nous trouvons encore cette obligation dans une ordonnance, et nous voyons qu'elle est bien rigoureuse par le fait de la création d'un pouvoir qui a autorité de concéder sur le refus des seigneurs et aussi par des dispositions particulières de nos lois pour la réunion au domaine royal des terres que les seigneurs n'auront pas concédées. Ces obligations et ces restrictions, si contraires au droit de la propriété absolue, sont toutes confirmatives des principes fondamentaux dont j'ai parlé, de ces principes qui veulent que la propriété directe et la propriété utile soient l'essence même des biens seigneuriaux. D'après ce que je viens de dire, il est certain que les seigneurs n'ont pas cette propriété absolue que leur attribue leur savant avocat. Ils l'ont si peu cette propriété, qu'ils ne sont pas libres de ne pas disposer de leurs terres comme ils le seraient si cette propriété en question leur appartenait. On voit encore par l'attribution de la propriété utile aux censitaires que les seigneurs agissaient sans droit ou plutôt qu'ils péchaient contre le droit public dans les réserves étaient permises par des dispositions particulières de nos lois et des titres originaux des seigneuries. Je mentionne ceci, parce que je pense que l'objet du savant [sic] avocat, en essayant d'établir cette propriété absolue des seigneurs, était de justifier tous les actes faits en violation de la propriété utile des censitaires; et aussi de faire inférer que, comme propriétaires absolus, les seigneurs pouvaient concéder aux taux que bon leur semblait.

J'aborderai maintenant la question du taux des cens et rentes comme chose

déterminée, nonobstant la négation du savant avocat à cet égard. Je ne parlerai pas ici des ordonnances, des arrêts, des jugements et des contrats tant des seigneurs que des censitaires qui plus ou moins établissent ce taux, parce que cela a été démontré par plusieurs préopinants; mais je dirai seulement que l'obligation si étroite des seigneurs de concéder leurs terres prouve, pour ainsi dire, l'existence d'un taux. En effet, sans un taux, le précepte de concéder serait illusoire par cela même qu'il pourrait être éludé par la demande de rentes si élevées que les censitaires ne pourraient les accepter. On sait que l'intention toute formelle des rois de France était de faire établir le pays. Or, sans un taux déterminé, cette intention ne pouvait avoir son effet. Quant au taux de quatre sous par arpent auquel les rentes élevées sont réduites, je voudrais qu'il fut réduit au taux primitif pour établir l'uniformité entre tous les censitaires du pays, placés qu'ils sont sous les mêmes lois relativement à la tenure seigneuriale. Si on accède à mon désir, il faudra indemniser les seigneurs pour la réduction des rentes jusqu'à la concurrence du taux primitif au lieu de les indemniser simplement pour la réduction jusqu'au taux de quatre sous. Par rapport au mode de l'indemnité et à d'autres matières de détail, je ne m'expliquerai que quand le bill sera sous la considération d'un comité général.⁷¹

MR. SOL. GEN. CHAUVEAU (in French) ... contended that the seigniors were forced to concede; and as we understood, that the intention of the French King was not to establish an aristocracy. He cited from Mr. Abraham and other writers.⁷² Cette question n'est pas une de celles dans lesquelles il suffit qu'un gouvernement triomphe et emporte par une majorité le vote de sa proposition. Il faut de plus que la conscience publique soit parfaitement éclairée sur la justice de la mesure, il faut qu'ici et ailleurs on reste convaincu que personne n'a droit de se plaindre. Et pour cela, il faut que chacun exprime franchement ses convictions et que le sujet soit parfaitement discuté sous toutes ses faces, au risque de quelques redites. C'est pour cette raison que n'ayant rien de bien neuf à dire sur une question qui a été tant de fois et si bien débattu[e], j'ajouterai cependant quelques observations à toutes celles que vous venez d'entendre.

Une nouvelle position a été prise cette année par les seigneurs et leurs défenseurs. Ils se disent propriétaires sans restriction de leurs seigneuries. Nul doute qu'ils sont propriétaires de leurs seigneuries. Mais qu'était-ce dans les premiers temps de la colonie, qu'était-ce aux yeux de la loi et de l'organisation sociale qui s'était formée sur ce con-continent [sic], qu'était-ce que la propriété d'une seigneurie?

C'était une propriété restreinte, une propriété modifiée et qualifiée comme on dit techniquement.

Et partout où l'on me montre le mot propriété dans les anciens titres j'y lis de suite en fief et en seigneurie, et je sais ce que cela veut dire.

Les rois de France, et leurs représentants dans ce pays n'ont jamais hésiter [sic] à regarder cette tenure comme d'ordre public, et sujette par conséquent à être modifiée et régie dans l'intérêt public. La législature d'aujourd'hui serait-elle moins puissante que celle d'alors? Et étant aussi puissante pourquoi serait-elle plus que celle d'alors taxée d'injustice dans un exercice [sic] modéré et raisonnable de cette puissance?

Les seigneurs n'entretenaient probablement pas les idées que l'on fait valoir aujourd'hui en leur nom lorsqu'ils ont obtenu du parlement impérial l'acte des tenures du Canada. Leur objet était bien certainement d'obtenir là une propriété des terres de leurs seigneuries; et l'on a toujours réclamé contre cet acte, on l'a toujours représenté avec raison comme funeste à la colonisation et à l'établissement du pays.

C'est en vain que l'on cherche maintenant à faire croire que les rois de France voulaient doter largement une aristocratie et ne s'occupaient pas d'autre

chose. Sans doute qu'ils ont voulu transplanter ici d'un seul coup la noblesse et le clergé, les deux états privilégiés mais qu'auraient été ces deux états sans le tiers-état. Ils ont voulu avoir avant tout une colonie, une population; et ils ont choisi je veux bien l'admettre la noblesse comme le moyen comme l'agent de la colonisation: mais leur but évident c'était la colonisation. Les seigneurs n'étaient seigneurs qu'à la condition d'établir leurs seigneuries, de concéder. L'édit de 1711 bien loin d'être comminatoire comme on l'a bien étrangement soutenu, ne faisait que rappeler aux seigneurs ce qui était l'essence, la condition de leur concession.

En Europe la féodalité avait une autre raison d'être: en Amérique elle ne pouvait avoir que celle-là. En Europe le peuple, le censitaire existait avant le seigneur. Celui-ci s'était fait seigneur de par son épée, et il était maintenu dans cette position par le chef de l'état pour qu'avec ses bras et ceux de ses vassaux, il le défendit contre toute agression. En Amérique le peuple n'existait pas, et le seigneur qui était fait seigneur avant qu'il n'y eût des vassaux, ne l'était qu'à la condition de créer pour bien dire, au moins de transplanter cette population qui faisait défaut à l'édifice féodal, commencé par le faite, au lieu de l'être par [1]a base, et sans laquelle le tout eût été moins qu'une farce!

Toute l'histoire de la législation ancienne [du] Canada n'est pas autre chose qu'un projet de colonisation, qu'une loi de colonisation, qu'une série de moyens inventés pour coloniser, et la tenure seigneuriale n'est que le dernier et le plus heureux des expédients que l'on avait trouvés pour cet objet.

Cette législation est habilement résumée dans une dissertation publiée en 1849 par M. Robert Abraham que l'on n'accusera certainement pas d'être un démagogue.

"Les édits et ordonnances des rois de France, (dit-il) jusqu'à l'époque de la conquête sont remplis de dispositions pour la concession des terres à tous ceux qui voudront s'y établir; et qu'il y eut un taux bien connu et bien usité pour la concession des terres semble clair par le fait même que l'on [n']a pas jugé nécessaire de mentionner ce taux.

"En 1666, Sa Majesté au camp de Valenciennes donne pouvoir à M. de Frontenac gouverneur [sic], et à M. Duchesneau, de faire des octrois de terre à tous venans; mais l'octroi devant être nul si la terre n'était cultivée dans [sic] les six années de la date de la concession. Ces octrois devaient être faits de proche en proche à mesure que l'on cultiverait, disposition très sage. Il est évident que ces premières concessions étaient en franc alleu.

"En 1679, Sa Majesté de l'avis de son conseil d'état exprime l'opinion que les concessions déjà faites avaient été trop étendues et hors de proportion avec le nombre d'habitants et de bestiaux qui se trouvaient dans la colonie; et que les terres qui restaient à concéder étaient d'une qualité inférieure et éloignées du fleuve. Le roi ordonne en conséquence que chaque année, un vingtième des terres concédées qui serait [sic] demeurées incultes seront reprises et concédées à quelqu'un [sic] qui les ... [cultiverait].

"En 1711, le roi est informé que les habitants ne réclament pas les terres qui leur ont été concédées; mais se contentent de couper quelques arbres, pensent que par là ils entraient en pleine possession de ces terres, il déclare que c'est là un abus tout à fait contraire à ses intentions, et il ordonne qu'à moins qu'il ne soit certifié que ces terres ont été cultivées et unies en valeur et que l'on y tient feu et lieu, elles seront réunies au domaine des seigneuries.

"En 1732, le roi trouve que les seigneurs n'agissaient pas mieux que leurs censitaires; et il ordonne que les terres de tous seigneurs qui dans deux ans n'auront pas été cultivées et établies seront réunies au domaine royal, et il défend expressément aux seigneurs et aux propriétaires de terres incultes de les vendre avant qu'elles n'aient été mises en culture, et il interdit en général

le trafic des terres incultes.

"Cet arrêt est très important et par la législation qu'il établit, et par l'inférence qu'on en doit déduire. Il déclare que la loi de la province pré-existante, est que les seigneurs sont tenus de concéder aux habitants qui le demandent sans vente, et à titre de redevance c'est-à-dire en roture et au taux de rente accoutumé: et s'ils le refusent le gouvernement se charge de concéder lui-même sur requête 'pour les mêmes droits qui sont imposés sur les autres terres concédées' lesquels droits deviennent payables à la couronne.

"Il paraît donc clair, qu'il y avait un usage tellement connu qu'il ne pouvait pas exister de difficulté et que cet usage valait à lui seul une définition. Le temps où il existait n'est pas tellement éloigné que l'on ne puisse le constater. Il devait être basé sur les concessions originairement faites comme on l'a vu par MM. de Frontenac et Duchesneau en vertu des pleins pouvoirs que le roi leur avait conférés."

M. Abraham cite ensuite d'autres ordonnances des rois de France, et fait voir que toutes ces ordonnances avaient pour but l'établissement plus rapide des colons, même leur propagation. Par l'un de ces édits pour empêcher la division et le morcellement des terres, le roi défend de bâtir plus d'une habitation sur une même terre, par une autre il vote une gratification au père de famille qui aura plus de douze enfants, par une autre enfin, il accorde une gratification aux jeunes gens qui se marieront, et de plus il accorde la pré-séance dans les églises aux pères de famille qui avaient le plus d'enfants.

En parlant de la première de ces ordonnances, M. Abraham dit que les habitants, sous le gouvernement anglais, n'ont pas voulu s'y soumettre, pensant que sous ce gouvernement on était libre de bâtir partout où l'on voudrait. Il ajoute que l'on croyait aussi généralement que [sic], sous le système des lois anglaises, les seigneurs devenaient propriétaires absolus des terres non concédées dans leurs seigneuries, et pouvaient imposer à leurs concessions toutes les conditions qu'il leur plaisait. Croyance entièrement absurde, même dans le cas où les lois anglaises auraient été introduites (continue M. Abraham) la tenure seigneuriale étant beaucoup plus commune en Angleterre que la tenure allodiale, et de vastes étendues de terre y sont possédées par les lords sous le nom de communes, non pas exclusivement pour leur propre usage, mais par une espèce de fidéjussion un peu différente de celle en vertu de laquelle les seigneurs possèdent les terres non concédées dans ce pays, mais assez analogue en principe.

M. Abraham n'était pas seul de cette opinion. C'était l'opinion du célèbre procureur-général Mazères; c'était aussi celle de M. Marriatt, l'avocat-général en Angleterre; ça été l'opinion de M. Cugnet (seigneur lui-même) dans son Traité des Fiefs; c'est celle enfin qu'ont exprimé les commissaires nommés par le gouvernement pour s'enquérir de la tenure seigneuriale, MM. Buchanan, Smith et Taschereau.

Contre tant d'autorités, contre les termes exprès de l'ordonnance de 1711, les seigneurs ont aujourd'hui, pour la première fois seulement, laissé soutenir en leur nom qu'ils pouvaient exiger n'importe quel prix pour la vente de leurs terres. Cette prétention n'est pas soutenable.

Tout ce que les seigneurs pourraient opposer avec quelque apparence de raison au principe du projet de loi que nous discutons, ce serait:

1^o Que les taux de cens et rentes auxquels étaient tenus de concéder, n'ont jamais été définis.

2^o Que ce taux accoutumé ne doit pas s'entendre d'un taux uniforme dans toute la province, mais bien du taux accoutumé dans chaque seigneurie respectivement.

3^o Que les acquéreurs de seigneurie ayant acheté de bonne foi dans le silence des tribunaux et de la législature, ils ont cru acheter des droits que les seigneurs retiraient publiquement et paisiblement.

Maintenant il est aisé de voir que le projet de loi contient une réponse

à la dernière de ces objections, et que même, à proprement parler, ce ne sont pas là des objections au principe de la mesure. La mesure reconnaît en effet que l'état est tenu d'indemniser les acquéreurs de seigneuries pour ce que son peu de vigilance leur aura fait perdre, en ne remédiant pas à l'obstacle purement mécanique, si je puis ainsi m'exprimer, qui s'opposait à l'exécution de l'ordonnance de 1711 sous le nouveau gouvernement, l'omission que l'on avait faite de transférer aux cours de justice [sic] les pouvoirs conjoints du gouverneur et de l'intendant en pareille matière. Ce principe est admis dans la mesure, et tout ce que les seigneurs pourraient peut-être objecter, ce serait que l'on n'a pas assez amplement pourvu aux fonds qui devront fournir cette indemnité; mais ce serait là une question purement de détail.

On a déjà fait justice de la prétention que le taux bien connu de deux sous par arpent, n'était pas celui auquel l'ordonnance faisait allusion, mais que c'était le taux usité dans la seigneurie.

Mais en admettant cette proposition, comment les seigneurs qui, de concession en concession, ont élevé, doublé et triplé les rentes originairement imposées dans leur propre seigneurie, comment ces seigneurs pourraient-ils [sic] faire valoir cet argument?

Il a été publié par M. Dumesnil un pamphlet dont le langage est assurément très-énergique même très-violent, et que je suis loin d'approuver, mais qui cite des faits nombreux, qui nomme des personnes dont quelques-unes sont vivantes, et qui n'a pas été, à ma connaissance, contredit ou démenti en ce qui concerne ces faits.

Il y donne des exemples de l'augmentation progressive des rentes dans plusieurs seigneuries, et il sera difficile aux seigneurs qui devaient au moins connaître à quel taux leurs ancêtres ou leurs auteurs avaient concédé, de plaider ignorance de ce taux, lorsqu'ils l'ont eux-mêmes [sic] doublé et triplé. Il lui faudrait tout au moins rétrécir encore le terrain [sic] étroit qu'ils ont choisi, et prétendre non-seulement que le taux ordinaire était le taux de la seigneurie, mais encore que [sic] c'était le taux de chaque rang dans la seigneurie.

(Ici M. Chauveau lit différents extraits où les seigneurs qui ont augmenté le taux des rentes sont nommés et les contrats cités et désignés).

Il y a encore d'autres faits signalés ... par M. Dumesnil et qui n'ont pas été contredits. On a exigé dans plusieurs seigneuries un bonus, une preuve [sic], enfin n'importe sous quel nom une somme d'argent du censitaire pour l'octroi d'un titre de concession, et cela en dehors de toutes les charges seigneuriales. En un mot, non-seulement on a concédé à toutes les charges ordinaires, mais en sus on a vendu pour une somme certaine une fois payée.

(Ici M. Chauveau lit encore des extraits dans lesquels les seigneurs qui ont reçu de telles sommes et les censitaires qui les ont payées, sont nommés et les contrats cités).

Tous ces faits n'ont pas été contredits, au moins à ma connaissance. Je sais qu'heureusement de pareilles exactions sont rares; qu'il y a même un grand nombre de seigneurs qui ont coutume de concéder même au-dessous du taux fixé et reconnu.

Je dis exactions; tout le monde paraît être d'accord pour qualifier ainsi ces transactions. Cependant si l'on sanctionne la nouvelle prétention émise à la barre de cette chambre, si les seigneurs sont réellement propriétaires sans restriction aucune, des terres non concédées, je ne vois pas pourquoi l'on trouverait à redire à ce qu'ils les vendent au lieu de les concéder, et à ce qu'ils les vendent au plus haut prix possible.

Je sais qu'il n'y a, du reste, qu'un certain nombre de seigneurs dont les censitaires ont le droit de se plaindre sous ce rapport. On a exagéré les vexations des seigneurs; on les a appelés sans distinction des vampires. (Ecoutez!)

On les a appelés des vampires et on a abusé à leur égard du droit que l'on a ou que l'on croit avoir de dire du mal de toute espèce de puissance. Je suis loin de croire que la majorité d'entr'eux mérite ce qu'on en a dit.

J'irai plus loin au sujet de la tenure seigneuriale. C'était certainement la meilleure tenure que l'on pût imaginer pour l'établissement et la colonisation du pays. Si les intentions premières des rois de France eussent été suivies, la population du pays aurait longtemps conservé avec bonheur cette tenure bien adaptée à ses moeurs et à ses habitudes, et encore à l'heure qu'il est j'hésiterais à en décréter l'abolition même progressive et facultative, si ce n'était des abus qui en ont fait un sujet de discorde et d'agitation dont il convient de se défaire dans l'intérêt de la tranquillité publique.

Il n'y a pas non plus à se dissimuler que dans un grand nombre d'endroits, principalement dans les villes et dans les localités où le commerce et l'industrie ont fait de grands progrès, il y a une incompatibilité qui s'accroît chaque jour entre la tenure seigneuriale et le bien-être de la société. Si elle est mieux calculée, encore à l'heure qu'il est, pour assurer le bonheur de celles de nos populations rurales qui sont encore dans un état pour bien dire primitif, elle est diamétralement opposée à la prospérité de beaucoup d'autres. Entre les villes et les localités auxquelles cette tenure peut encore convenir, il y a des nuances diverses qui changeront et changent de jour en jour avec le progrès naturel des choses. La loi que nous proposons est donc éminemment sage, en ce qu'elle tient compte de ce double fait, en ce qu'elle laisse facultative la rédemption des droits seigneuriaux; et j'avoue pour ma part que je trouve aller aussi loin que l'on doit aller, dans le sens de l'abolition de la tenure féodale, en donnant à une majorité des deux tiers des censitaires le droit de forcer les autres à la commutation.

Dans toutes ses dispositions, le projet de loi est fondé sur une idée de conciliation et de justice; il est fondé sur l'idée émise par M. Baldwin que cette question ne pourrait jamais être réglée que par un compromis où les seigneurs et les censitaires mettraient chacun du leur.

Il ne me fallait, pour ma part, rien moins que la parole d'un homme aussi sage pour me décider à un compromis par lequel les seigneurs pourront exiger quatre sous de rente par arpent, tandis que l'on ne peut montrer une seule concession antérieure à l'ordonnance de 1711, ni même antérieure à la conquête, dans laquelle on ait atteint ce maximum. (Ecoutez!)

N'y eût-il que ce seul point où le compromis est assurément tout à fait en leur faveur, les seigneurs ne devraient point crier à la spoliation. Mais ce n'est pas leur rendre justice que de dire qu'ils sont opposés comme corps à cette législation. Il y a partout des exceptions, et les seigneurs pétitionnaires nous en fournissent un exemple. Il y a partout des hommes qui, comme les Bourbons, n'ont rien appris et rien oublié. Ces seigneurs cependant ont appris quelque chose, c'est la nouvelle doctrine développée à la barre par leur avocat; ils ont oublié quelque chose, c'est l'ordonnance de 1711; mais à part de cela, ils n'ont rien appris et rien oublié.

Les meilleurs amis des seigneurs, tous ceux qui ont étudié la question seigneuriale, ont conseillé aux seigneurs d'accepter la mesure actuelle comme ce qu'ils peuvent attendre de plus favorable. Le procureur-général leur a cité l'opinion exprimée par M. Ogden, qui a eu tant d'occasions d'apprécier la condition sociale de ce pays et qui a pu y faire toutes les études nécessaires pour bien juger la question. Je leur citerai celle d'hommes moins compétents sous certains rapports, mais que leur expérience générale des institutions et des événements humains, leurs lumières et surtout leur désintéressement dans la question, doivent faire considérer comme des hommes de bon conseil. Deux écrivains et voyageurs français distingués, MM. Ampère et Marmier, ont exprimé, au retour du voyage récent qu'ils ont fait dans ce pays, la même

opinion que M. Ogden: ils ont dit que les seigneurs devaient se hâter de transiger, que le plus tard cette question serait réglée, plus ils y perdraient.

L'idée de leur faire rien perdre de leurs justes droits est tellement loin de nous, que le gouvernement est prêt à ajouter un intérêt de cinq par cent sur les droits casuels tels qu'évalués par le cadastre, en outre de l'intérêt d'un pour cent qui doit représenter l'augmentation de la valeur des propriétés. Cet intérêt de cinq pour cent aura pour objet d'indemniser le seigneur des nombreux inconvénients et des pertes que pourrait occasionner la rentrée tardive, et par petits installéments, des fonds représentant la valeur de sa seigneurie, et en même temps engagera les censitaires à commuer plus promptement. Sur ce point, les seigneurs, surtout ceux qui avaient concédé au-dessous du taux reconnu, ont paru avoir un juste sujet de plainte. Si, dans les débats qui s'élèveront sur les détails, ils parvenaient à prouver que leurs droits sont lésés sur quelque autre point, il n'y a pas de doute que le gouvernement et la chambre ne se refuseront pas à d'autres modifications. Mais les seigneurs pourraient bien ne pas toujours trouver un gouvernement et une chambre ainsi disposés.

La chose est aussi claire que le jour. L'opinion publique ne rétrograde guères dans de semblables questions; la chambre ne peut pas faire autrement que de représenter les vœux de la grande masse des électeurs, et lorsque la grande masse des électeurs a un intérêt aussi grand, aussi sensible dans une question de cette nature, il n'est guères probable que les délais et les obstacles les rendent plus traitables.

C'est aujourd'hui le temps des compromis. J'espère bien que l'heure de la spoliation ne viendra jamais, mais l'heure d'une justice plus rigoureuse ne tardera pas à sonner si la question n'est promptement décidée.

Heureux les peuples qui voient débattre avec calme de pareilles questions, heureux les peuples pour qui elles sont matière à discussion, matière à législation et non pas matière à révolution! C'est un beau et rare spectacle que celui d'une législature discutant consciencieusement les droits de l'individu et ceux de la société, et raffermissant les bases de l'ordre social tout en les redressant. La modération et le bon vouloir qui ont été jusqu'ici manifestés et conservés de part et d'autre, dans toute cette discussion, montrent que cette chambre veut entourer d'avance le résultat de ses délibérations, de la force et du prestige qui seuls peuvent en assurer la durabilité. Un règlement définitif qui est tant à désirer dans l'intérêt de toutes les parties ne peut être véritablement obtenu que par le calme et l'unanimité, que par l'adhésion solennelle et réfléchie de tous les mandataires du peuple, ou d'une [sic] très-grande majorité d'entr'eux.⁷³

MR. TESSIER (in French)⁷⁴ dit: Jamais il ne s'est présenté devant la législature canadienne une question plus importante que la question actuelle. Il ne s'agit de rien moins que de changer une tenure qui a existé dans ce pays depuis son établissement, qui comprend presque entièrement toute la partie cultivée et peuplée du Canada.⁷⁵ [He] was very much in favour of changing the tenure of the lands in Lower Canada; but that ought not to be done without proper precautions.⁷⁶

J'ai écouté jusqu'ici ce qui s'est dit sur ce sujet, et j'aurais aimé à en entendre encore plus; néanmoins je dois dire que ceci n'a pas changé les opinions que j'ai entretenues sur ces points depuis plusieurs années.⁷⁷ The public opinion had determined that the tenure must be abolished. The only question really to be decided was whether the ordinance of 1711 and similar ordinances were still in force. If that were admitted, it followed that the Seigniors had no absolute rights in their property, and that if the French government could legislate upon their rights, the present government could do the same thing.⁷⁸ La cause de Langlois vs. Martel, plaidée en 1852 devant la cour supérieure du district de Québec, et dans laquelle j'occupais comme l'avocat

du censitaire a été publiée en pamphlet et soumis à cette chambre⁷⁹. [The] case ... had been decided by Judges, of whom none were Seigniors--though he did not mean that Seignior Judges would do wrong--and in that case though the censitaires were condemned, the Court pronounced that⁸⁰ les arrêts de 1711 et de 1732 sont en force dans cette province.⁸¹ Upon the whole he was of that opinion, and if he were not he would vote against the law; not believing that any legislature had the right to interfere with property.⁸²

L'agitation de la question de la tenure seigneuriale a pris une proportion extraordinaire depuis quelques années, et il faut l'avouer, tout le monde admet la nécessité de régler cette question d'une manière finale.

J'ai entendu plusieurs honorables membres comparer la tenure seigneuriale qui a existé en Canada avec la féodalité du moyen-âge; mais évidemment les privilèges de supériorité personnelle du seigneur et d'infériorité du censitaire n'ont jamais fait partie du droit seigneurial de la Nouvelle-France. Trouvera-t-on dans notre histoire les pouvoirs que possédait, dans les siècles anciens, le seigneur de rendre la justice civile et criminelle dans sa seigneurie, d'avoir des prisons, était-il chargé d'entretenir les enfants-trouvés dans sa seigneurie, et de secourir les pauvres qui appartiennent au fief.⁸³ He then traced back the origin of the Seigniorial Tenure to the times of the Roman Empire, and thence to the middle ages of Europe.⁸⁴

L'origine de la tenure seigneuriale tient au génie militaire de la nation française; les incursions des Romains dans les Gaules ont introduit le système des fiefs; l'aleu était propre à la Germanie, et ces deux systèmes contraires l'un à l'autre ont cependant subsisté en France en même temps.⁸⁵ In that period he contended that the system was one of mutual protection, when the rights of retrait, corvées, &c., were only exercised for their legitimate objects. It was not till the military spirit had given place to the commercial spirit that the seigniorial rights were converted into matter of speculation.⁸⁶

Le peuple anglais, protégé dans son île par la mer, a toujours été contrôlé par le génie de la paix, qui est le génie de l'industrie et du commerce.

Sous les anciens seigneurs du Canada, c'était aussi l'esprit militaire qui dominait le gouvernement et la population; l'honneur était toujours la pensée dominante, et le commerce était regardé avec mépris. A quelle époque ont commencé l'exhaussement des rentes et la commission des abus? c'est depuis que les seigneuries sont passées dans les mains de la population nouvelle du pays, dont les idées n'étaient que tournées vers le commerce et la spéculation.

Il est difficile de comprendre le silence de l'ancienne chambre d'assemblée législative, car sous ce rapport les terres en franc et commun soccage bordant les seigneuries, ont été mis constamment jusqu'à tout dernièrement hors de l'atteinte des habitants du pays par un prix élevé et par l'octroi d'une immense quantité de terrain à la compagnie des terres des townships de l'est du Bas-Canada, qui loue des lots à bail pour plusieurs années, au bout desquelles le fermier incapable de payer le haut prix stipulé, abandonne le fruit de son travail à la compagnie.

Cette différence dans la nature du caractère des deux peuples explique le silence de l'ancienne chambre d'assemblée. Sous les anciens seigneurs d'origine française, il n'y a pas beaucoup d'exemples qu'ils aient exigé des rentes excédant l'ancien taux, qu'ils se soient servi du retrait comme d'un moyen de spéculation et de profit; mais depuis un certain nombre d'années, les plaintes ont été continuelles et ont atteint un degré tel qu'il est devenu nécessaire d'y apporter un prompt et efficace remède.

Quelque soit l'interprétation que l'on donne aux arrêts de 1711 et de 1732, il est certain que cela prouve que le gouvernement français exerçait le droit de législater sur les propriétés des seigneurs et des censitaires. Or ces arrêts fixent clairement les cens et rentes aux taux accoutumés. Il ne reste donc qu'une question de fait qui est celle-ci: quel était le taux accoutumé?

A cela l'on peut ... répondre que l'on ne peut trouver, avant la cession du pays, un seul contrat de concession dans lequel les rentes excèdent quatre sous par arpent, et c'est une proposition qu'il doit être facile d'établir. Il est indubitable que les institutions démocratiques gagnent du terrain dans ce pays; ces idées démocratiques sont opposées aux privilèges des seigneurs, et il faut tôt ou tard que l'opinion publique, forte sous un gouvernement représentatif, triomphe.⁸⁷ The difficulty about the tenure and the desire for change, had both grown out to a great extent of the superior commercial spirit of the English emigrants--whether Seigniors or censitaires. Now matters had proceeded to such a point that the social condition of the country made the speedy settlement of the question most important. The Seignior at present was politically nothing; the censitaire everything. If, therefore, any question arose between the parties the former must suffer. Even at present there were Seigniories where the dues could hardly be collected especially were [sic] the censitaires were chiefly foreigners.⁸⁸

Si ce point d'agitation n'était pas réglé, quelle en serait la conséquence? L'agitation accroîtrait, il y aurait résistance, il y aurait conflit, et en mettant aux prises deux classes de la société, on pourrait s'attendre à voir dans ce pays un état social semblable à celui d'Irlande.⁸⁹ He did not believe, however, that forced commutation would answer, for that would ruin the censitaire⁹⁰.

Sous ces circonstances, il est proposé de porter remède aux maux résultant de la tenure seigneuriale par le projet de loi actuel; et comme je crois que le principe de cette mesure est bon, je voterai en sa faveur.

Je ne puis néanmoins m'asseoir sans répondre quelques mots à l'honorable commissaire des travaux publics. Je suis d'accord avec ce monsieur sur les principaux points de la tenure seigneuriale qu'il a traités, mais je ne puis approuver la proscription qu'il semble avoir appelé contre les seigneurs, en disant qu'il ne devrait y avoir aucun seigneur dans cette chambre pour discuter et décider la question seigneuriale. C'est une lâcheté, à mon avis, de vouloir repousser les quelques membres liés avec des intérêts seigneuriaux, lorsque l'on sait qu'il n'y a dans cette enceinte que deux ou trois seigneurs contre quatre-vingts autres membres. Il est juste au contraire d'entendre ceux qui diffèrent d'opinion; nous agissons comme juges dans cette affaire, et si l'on veut que cette grande question soit réglée d'une manière définitive, il est nécessaire de le faire d'une manière calme et honorable.

En s'adressant à l'honorable membre du comté de Saguenay, l'honorable commissaire des travaux publics lui a dit d'une manière fort acrimonieuse: "A tout péché miséricorde." Je dis sans crainte que cet honorable membre devrait être le dernier à appliquer ce quolibet aux autres.

Ces accusations sont une nouvelle preuve pour moi de la nécessité de trancher cette question le plus vite possible. Les censitaires souffrent de l'incertitude, et il vaut mieux pour toutes les parties de ramener la confiance et l'encouragement qui accompagnent toujours des institutions stables.

Pour toutes ces raisons, je suis convaincu que la mesure actuelle de l'honorable procureur-général est une mesure nécessaire et utile au pays, et je voterai en faveur du principe de cette mesure, et ferai tous mes efforts pour la rendre acceptable à toutes les parties.⁹¹

Some conversation here took place relative to a matter incidentally mentioned in the debate, relative to the election at Saguenay.⁹²

DR. LATERRIERE now said that the members for the counties of Quebec and Dorchester had written to his county to attempt to decry him in the estimation of his voters, by representing that he had voted against a declaratory law. This was false; as were other assertions made by the hon. commissioner of Public Works, on this subject, for instance, the hon. member had said that he (Dr. Laterrière) had had the tears in his eyes--if he ever had, it had been on account

of certain little accidents which had happened to the hon. Commissioner⁹³.

Here the hon. member's voice was drowned by cries of order.⁹⁴

MR. COM. PUB. WORKS CHABOT and MR. LEMIEUX justified themselves for having written as they did, which was merely at the request of certain electors who desired to know their opinion. They had said that on other questions there could be no better member; but that on this matter of the Seigniorial tenure the Doctor had opposed Mr. Drummond's bill.⁹⁵

(651)

*On motion of the Honorable Mr. Badgley, seconded by Mr. Valois,
Ordered, That the Debate be further adjourned until To-morrow, and be then
the first Order of the day.*

(652)

*Ordered, That the remaining Orders of the day be postponed until To-morrow.
Then, on motion of Mr. Fortier, seconded by Mr. Turcotte,
The House adjourned.*⁹⁶

APPENDIX: 29 MARCH 1853.

[NOTICE OF MOTION RE: AMENDMENT OF CHURCH CONSTRUCTION ACT.]

MR. JOBIN [donna avis que] jeudi prochain [il] demandera permission de présenter un bill pour amender l'acte (14 et 15 Vic., chap. 143) intitulé: "Acte pour amender l'acte qui continue et amende l'ordonnance concernant l'érection des paroisses et la construction et réparation des églises et cimetières dans le Bas-Canada."⁹⁷

[NOTICE OF MOTION RE: RESOLUTIONS AGAINST THE UNION.]

MR. MARCHILDON [donna avis que] jeudi prochain [il] présentera une série de résolutions, tendant à démontrer au gouvernement impérial l'injustice de l'union du Haut et du Bas-Canada, et en demandant le rappel.⁹⁸

[NOTICE OF ADDRESS RE: LIST OF LANDS COMMUTED FROM ROTURE AND OF SUMS RECEIVED.]

MR. TESSIER [donna avis que] jeudi prochain [il proposera] qu'il soit présenté à Son Excellence le gouverneur-général une humble adresse, le priant de communiquer à cette chambre une liste des actes de commutation de terres tenues en roture en celle de franc-aleu roturier, indiquant seulement le nom des parties à tels actes, le nom de la seigneurie, la date de l'acte, et le nom du notaire devant lequel tels actes ont été exécutés; et aussi, un état montrant le montant reçu par la couronne pour indemnité sur telles commutations, suivant les clauses 3, 4 et 5 de l'acte 8 Vic., chap. 42, depuis la date de cet acte (29 mars 1845) jusqu'au 1er janvier dernier.⁹⁹

[NOTICE OF QUESTION RE: EASTERN TOWNSHIPS ROAD.]

MR. TERRILL [donna avis que] jeudi prochain [il posera la] question au ministère si c'est son intention de remettre aux autorités municipales locales le contrôle et la régie du grand chemin construit dans les townships de l'Est, il y a quelques années, connu généralement sous le nom de "Chemin principal des townships de l'Est;" et, si non, s'il a adopté des mesures pour compléter et réparer le dit grand chemin.¹⁰⁰

FOOTNOTES: 29 MARCH 1853.

1. The following papers reported the debate on this matter in partially identical accounts: BRITISH WHIG, 30 March 1853, HAMILTON SPECTATOR DAILY, 30 March 1853, GLOBE, 31 March 1853, NORTH AMERICAN SEMI-WEEKLY, 1 April 1853, EXAMINER, 6 April 1853, and LA MINERVE, 31 March 1853.
2. HAMILTON SPECTATOR DAILY, 30 March 1853.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. The second report of the committee was reported in identical accounts by the following papers: BRITISH COLONIST, 8 April 1853 (which misdated its account as 6 March 1853), HAMILTON SPECTATOR DAILY, 9 April 1853 (which copied from MONTREAL HERALD of unknown date), HAMILTON SPECTATOR SEMI-WEEKLY, 9 April 1853 (which copied from MONTREAL HERALD of unknown date), and HAMILTON SPECTATOR WEEKLY, 14 April 1853 (which copied from MONTREAL HERALD of unknown date).
10. BRITISH COLONIST, 8 April 1853.
11. The debate on this matter was reported by MORNING CHRONICLE, 18 April 1853. The following papers noted the debate in identical accounts: GLOBE, 31 March 1853, and HAMILTON SPECTATOR DAILY, 31 March 1853. The following papers noted the debate in partially identical accounts: BRITISH WHIG, 30 March 1853, HAMILTON SPECTATOR DAILY, 30 March 1853, GLOBE, 31 March 1853, NORTH AMERICAN SEMI-WEEKLY, 1 April 1853, EXAMINER, 6 April 1853, and LA MINERVE, 31 March 1853. The debate was also noted by GLOBE, 9 April 1853, which noted that "the debate continued generally in the French language." Our main source for the reconstruction of this debate is a pamphlet, Débats dans l'assemblée législative sur la tenure seigneuriale (Québec: E.R. Fréchette, 1853). For an account of this pamphlet, see footnote 1 to 22 March 1853.
12. MORNING CHRONICLE, 18 April 1853.
13. PAMPHLET.
14. MORNING CHRONICLE, 18 April 1853.
15. PAMPHLET.
16. MORNING CHRONICLE, 18 April 1853.
17. PAMPHLET. MORNING CHRONICLE, 18 April 1853, has "the King and the people."
18. PAMPHLET.
19. MORNING CHRONICLE, 18 April 1853.
20. PAMPHLET.
21. MORNING CHRONICLE, 18 April 1853.
22. PAMPHLET.
23. MORNING CHRONICLE, 18 April 1853.
24. PAMPHLET.
25. MORNING CHRONICLE, 18 April 1853.
26. PAMPHLET.
27. MORNING CHRONICLE, 18 April 1853.
28. PAMPHLET.
29. MORNING CHRONICLE, 18 April 1853.
30. PAMPHLET.
31. MORNING CHRONICLE, 18 April 1853.
32. IBID.
33. PAMPHLET.
34. MORNING CHRONICLE, 18 April 1853.

35. PAMPHLET.
36. MORNING CHRONICLE, 18 April 1853.
37. PAMPHLET.
38. MORNING CHRONICLE, 18 April 1853.
39. PAMPHLET.
40. MORNING CHRONICLE, 18 April 1853.
41. PAMPHLET.
42. MORNING CHRONICLE, 18 April 1853.
43. PAMPHLET.
44. MORNING CHRONICLE, 18 April 1853.
45. PAMPHLET.
46. MORNING CHRONICLE, 18 April 1853.
47. PAMPHLET.
48. MORNING CHRONICLE, 18 April 1853.
49. PAMPHLET.
50. MORNING CHRONICLE, 18 April 1853.
51. MORNING CHRONICLE, 18 April 1853, which noted that Mr. Lemieux "was not distinctly audible," and that he "continued to speak on the subject generally, but the reporter was not able to follow his remarks."
52. PAMPHLET.
53. MORNING CHRONICLE, 18 April 1853.
54. PAMPHLET.
55. MORNING CHRONICLE, 18 April 1853.
56. PAMPHLET.
57. MORNING CHRONICLE, 18 April 1853.
58. PAMPHLET.
59. MORNING CHRONICLE, 18 April 1853.
60. PAMPHLET.
61. MORNING CHRONICLE, 18 April 1853.
62. PAMPHLET.
63. IBID.
64. MORNING CHRONICLE, 18 April 1853.
65. PAMPHLET.
66. MORNING CHRONICLE, 18 April 1853.
67. PAMPHLET.
68. MORNING CHRONICLE, 18 April 1853.
69. PAMPHLET.
70. MORNING CHRONICLE, 18 April 1853.
71. PAMPHLET.
72. MORNING CHRONICLE, 18 April 1853, which commented that Mr. Chauveau "spoke with his back towards the Reporter's Gallery, the consequence of which,--in connection with the incident of a number of ladies conversing in a loud tone near the Reporter's Gallery--was that his arguments were not distinctly audible to the Reporter."
73. PAMPHLET.
74. MORNING CHRONICLE, 18 April 1853.
75. PAMPHLET.
76. MORNING CHRONICLE, 18 April 1853.
77. PAMPHLET.
78. MORNING CHRONICLE, 18 April 1853.
79. PAMPHLET.
80. MORNING CHRONICLE, 18 April 1853.
81. PAMPHLET.
82. MORNING CHRONICLE, 18 April 1853.
83. PAMPHLET.
84. MORNING CHRONICLE, 18 April 1853.

85. PAMPHLET.
86. MORNING CHRONICLE, 18 April 1853.
87. PAMPHLET.
88. MORNING CHRONICLE, 18 April 1853.
89. PAMPHLET.
90. MORNING CHRONICLE, 18 April 1853.
91. PAMPHLET.
92. MORNING CHRONICLE, 18 April 1853.
93. IBID.
94. IBID.
95. IBID.
96. GLOBE, 9 April 1853, reported that "the House adjourned at 10 P.M."
97. JOURNAL DE QUEBEC, 31 March 1853.
98. IBID.
99. IBID.
100. IBID.

WEDNESDAY, 30 MARCH 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Marchildon,--The Petition of Louis Marchand, of the Parish of Ste. Geneviève de Batiscan, County of Champlain.

By Mr. Turcotte,--The Petition of Joseph Thibodeau and others, of the Parish of St. Joseph de Maskinongé, County of St. Maurice.

By Mr. Dubord,--The Petition of Charles Cazeau and others, licensed Cullers for the department of Deals, Planks, Boards, and Lathwood.

By Mr. Chapais,--The Petition of O. Martineau, Esquire, and others, of the Counties of Kamouraska and Rimouski.

By Mr. Brown,--The Petition of Charles P. Treadwell, Esquire, and others, of L'Orignal and its vicinity.

By the Honorable Mr. Hincks,--The Petition of the Montreal Board of Trade; and the Petition of Paul Bedford and others, of the Township of Norwich.

By the Honorable Mr. Chabot,--The Petition of Christopher Mullins and others, Censitaires of the Seigniorie of Shoolbred, in the District of Gaspé.

By Mr. Stuart,--The Petition of Miss Marguerite de Lanaudière and others, Proprietors of Seigniories.

The Honorable Mr. Merritt moved, seconded by Mr. Turcotte, and the Question being put, That the Order of the day for the House again in Committee on that part of the Report of the Commissioners of Public Works for the year 1851, relating to the opening of a Canal between the St. Lawrence and Lake Champlain, be postponed till Monday next, and be then the first Order of the day; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Burnham, Crawford, Fournier, Jobin, McDonald of CORNWALL, Mattice, McDougall, Merritt, Poulin, Robinson, Rose, Street, Turcotte, and Viger.--(15.)

NAYS.

Messieurs Chapais, Christie of GASPE, Dixon, Dubord, Fortier, Gouin, Mackenzie, Marchildon, Malloch, Morrison, Seymour, Shaw, Smith of FRONTENAC, Taché, and Valois.--(15.)

And the Votes being equally divided:--Mr. Speaker gave his casting Vote in the Affirmative.

Mr. Fournier, from the Select Committee appointed to enquire into the following matters relative to the Magdalen Islands:--1st. Under what description of Tenure the inhabitants of these Islands hold their Lands; 2nd. What is the present condition of their Agriculture, Trade, Fisheries, and other branches of industry, whether in mines, minerals, or otherwise, and what would be the

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most efficient means for their improvement should that be deemed necessary; 3rd. Whether these Islands generally, in a Commercial point of view, are advantageous to this Province, or otherwise; lastly, into all matters having reference thereto,--with an Instruction to the Committee, presented to the House the Report of the said Committee; which was read.

For the said Report, see Appendix, (Z.Z.Z.)

Ordered, That One thousand copies of the said Report, with the Documents and Plans accompanying the same, be printed for the use of the Members of this House.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented,

pursuant to Addresses to His Excellency the Governor General,--Return to an Address of the Legislative Assembly, dated 14th March, 1853, for information relative to the Trois Pistoles and Miramichi Railroad:--

Memorandum.

No communications have been received to the effect that the British Government were about to grant half the funds necessary to construct that portion of the inter-Colonial Railway which lies between Miramichi and Trois Pistoles or River du Loup, or any other communication in any way relating to that portion of Railway; nor any communications relating to the construction of the Railway to Trois Pistoles, and the formation of the Company in relation thereto.

By Command.

Secretary's Office,

Quebec, 30th March, 1853.

A.N. Morin, Secretary.

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 23rd instant, praying His Excellency to cause to be laid before the House, a copy of the Third Annual Report of the Directors of the Provincial Lunatic Asylum at Toronto, adopted 7th February, 1853, with the accompanying documents.

For the said Return, see Appendix (J.)

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Seventeenth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to incorporate the Megantic Junction Railway and Canal Company, and have made several amendments thereto, which they beg leave to submit for the adoption of Your Honorable House.

Ordered, That Mr. Rose have leave to bring in a Bill to lessen Costs in Suits at Law in Upper Canada.

He accordingly presented the said Bill to the House;¹

MR. ROSE brought in a bill to amend the law of costs C.W. He said the object of the bill was first to oblige attornies for the Plaintiff to receive confessions of the Defendant; and second to allow defendants to plead the plaintiffs receipt at any time before hearing of the case in court, as a discharge, without any obligation to pay costs. Carried.²

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and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. MACKENZIE³ then moved for certain returns relative to the affairs of the settlers on the Grand River, and to the Grand River Indians⁴ [and] for certain documents relative to the Indian Department, and the investment of Indian monies.⁵

MR. INSP. GEN. HINCKS would like to know when there had ever been laid before either of the Houses of the Legislature anything given in the Indian Accounts? What was the use of hon. members constantly asking for this information, which the Government had it not in their power to give? He (Mr. H.) was quite satisfied with what was going on with regard to the Indian affairs, and the Government were quite prepared to defend everything they had done in the matter. These Indian affairs are entirely beyond the control of the Provincial Government. There is, he continued, a great deal in this address, which might be granted at any time; but other portions were not, as they were part and parcel of the very case of which the hon. and gallant Knight, the

member for Hamilton had spoken.⁶ The government wished no concealment with reference to anything in their power; but they could not consent to motions asking for information not in their power.⁷ If the resolution was somewhat amended, he should have no objection to agree to it.⁸

The resolution was then amended as follows:--

An Address ... to His Excellency, for the petition of Sir Allan Napier MacNab, M.P.P., Hon. John Hillyard Cameron, and between two and three thousand other inhabitants of Canada, relative to the Grand River Settlers,--the documents which accompanied the said petition,--the Report of David Thorburn, Esquire, Indian Agent on said petition,--or copies of said documents; and copy of any reply to said petition from the Indian Department, addressed to Sir Allan Napier MacNab.

And also, another Address for a statement showing the several amounts of money paid from the Indian Fund to settlers on the Grand River, Canada West, as compensation for giving up their improvements; and the expenses incurred for the prosecution of certain Settlers on the said Grand River; as also the names of all the Officers and Servants of the Indian Department, with their several incomes, whether derived from fees, salaries, perquisites, or from any other source; the amount derived from sales of Grand River Lands, and how invested; and the profits, if any, accruing to the Indians therefrom.⁹

MR. H. SMITH asked if this was all the information that the hon. member for Haldimand wanted.¹⁰

MR. MACKENZIE said no; but it was all that he could get, and he thought from the opposition made by the Government to part of his motion, that there must be something hidden. (Hear, hear.)¹¹

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*On motion of Mr. Mackenzie, seconded by Mr. Brown,
Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency would be pleased to lay before this House, for its information, the Petition of Sir Allan Napier MacNab, M.P.P. the Honorable John Hillyard Cameron, and between two and three thousand other inhabitants of Canada, relative to the Grand River Settlers; the documents which accompanied the said Petition; the Report of David Thorburn, Esquire, Indian Agent, on said Petition, or copies of the said documents; and copy of any reply to said Petition from the Indian Department, addressed to Sir Allan Napier MacNab.*

Ordered, That the said Address be presented to His Excellency the Governor

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General by such Members of this House as are of the Honorable the Executive Council of this Province.

*On motion of Mr. Mackenzie, seconded by Mr. White,
Resolved,¹² That an humble Address be presented to His Excellency the Governor General, praying that His Excellency would lay before this House, for its information, a Statement shewing the amounts of money paid from the Indian Fund to Settlers on the Grand River, Canada West, as compensation for giving up their improvements, and the expenses incurred for the prosecution of certain Settlers on the said Grand River; as also the names of all the Officers and Servants of the Indian Department, with their several incomes, whether derived from fees, salaries, perquisites, or from any source; the amount derived from sales of Grand River Lands, and how invested; and the profits, if any, accruing to the Indians therefrom.*

Ordered, That the said Address be presented to His Excellency the Governor

General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Cauchon, seconded by Mr. Stuart,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency to cause to be laid before this House, a copy of the Report of Doctors Nelson and MacDonnell, and Zephirin Perrault, Esquire, Advocate, on the Quebec Marine Hospital, and of all documents having reference to the Inquiry held by the said Gentlemen concerning the said Institution.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Mr. Merritt, seconded by the Honorable Mr. Viger,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of any late Reports from the Governor General of Canada, and from the Lieutenant Governors of the other British Provinces, on the state of the Colonies under their Government, which may have been laid before the Imperial Parliament.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Stuart, seconded by the Honorable Mr. Robinson,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to adopt such measures as to him shall seem fit and proper, to have prepared and printed in the form in which the Laws of this Province are now printed, the Parochial subdivisions of Lower Canada, shewing the bounds, limits or division lines of the various Parishes established and erected therein for Civil purposes, including as well such as were established by the Arrêt of the Council of State of His Most Christian Majesty, dated the 3rd March, 1722, as all those which have since been ascertained, established and confirmed in a legal and regular manner, either as new Parishes or as Parishes formed by the dismemberment or subdivision of Parishes previously erected and recognized according to Law; and shewing also, in a condensed form, the authority under which each Parochial subdivision was made, the name of the Governor during whose Administration the same took place, the names of the Commissioners recommending the same, the date of their Report, and the date of the Arrêt, Letters Patent, or Proclamation establishing and confirming the same; including such information as may be in the possession of Government concerning Parishes or reputed

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Parishes not yet Civilly erected, and also the subdivisions of each County into Townships where there are any.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Sanborn, seconded by Mr. Terrill,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause the proper Officer to lay before this House, copies of all Correspondence of record in the Office of the Provincial Secretary, on the subject of the claims of certain Inhabitants of the Indian Stream Settlement in the Eastern Townships of Lower Canada, for compensation for injuries received from Citizens of the State of New Hampshire, on the occasion of the arrest, in 1835, of two individuals under a Warrant from Alexander

Rea, Esquire, then a Justice of the Peace; and also, a copy of the Report made by John Moore, Esquire, a Commissioner appointed under the Provincial Statute 9 Vic. cap. 38, upon the nature and extent of the injuries sustained.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honourable the Executive Council of this Province.

MR. MERRITT¹³ moved, That a Select Committee be appointed to consider and report on the expediency of recommending the adoption of an Address to Her Majesty in favour of admitting the productions of Canada into the markets of Great Britain free of duty, comprising Grain and Breadstuffs of all kinds; Pork, Beef, Butter, Cheese, and Provisions of all kinds; Timber, Ores, Metals and Clay stones, of all kinds; Hides, Tallow, Fish, and Oil of all kinds; and all articles manufactured from the productions of Canada; and also to consider whether the same principle should not be applied to our Commercial intercourse with the Sister Colonies.¹⁴

MR. INSP. GEN. HINCKS said that it was perfectly useless to expect that anything of this sort would be done. The principle of free trade was thoroughly established in England, and the government of that country would favour no one.¹⁵ And so fully and so generally has the principle of Free Trade been recognised, that we find that the society which had been long in existence under the auspices of Lord Derby himself for the maintenance of Protectionist principles has been dissolved and their principles altogether abandoned. Can we then expect the people of England to abandon their commercial policy for our benefit?¹⁶ They were most anxious to reduce all duties, especially duties on¹⁷ articles of food to the lowest possible amount, and only to impose taxes for the purpose of revenue; therefore we cannot expect them to repeal these duties. It is just that sort of interference which cannot be productive of any good, and may lead to mischief. The result of a former application of the same nature tells us plainly what would be the result of the one now proposed. It puts this country in¹⁸ a humiliating position¹⁹ to go on sending addresses which are sure to be rejected.²⁰

MR. MERRITT thought this a most important question: all he desired was to have a Committee to enquire, whether the colony had reason in asking what she has asked of Great Britain in the commencement of the session²¹ [and] to consider if there is any good reason why the Home Government should not grant us Reciprocity. Is it not, he said, a matter of public notoriety that Canada stands in a false position with regard to her trade with England; and are we to be denied an opportunity of referring this matter to a committee for the purpose of investigating it? He was surprised that the Inspector General should refuse such a very reasonable request. Is not our position a most humiliating one?²² In what position was Canada now placed?--Between the action of Great Britain and the United States her produce was reduced in value 30²³ per cent. below that of the neighbouring States. What then was to be done?²⁴ In 1846 we were abandoned by the British Government, and are we not now to be allowed an opportunity of laying our position before that Government? Have we not been taking every means to obtain reciprocity--have we not opened negotiations for it which have been rejected--have we not been going on ever since 1846, and we now, because we have not succeeded, are not to make any more efforts to get that redress which we are entitled to?²⁵ He believed the course he now proposed, which he did not think would fail, though it might be postponed.²⁶ He was surprised that the Government should refuse to refer this matter to a committee. If the House did not choose to agree in the course taken by the committee it was not binding on them in any way; it would not pledge them to send an address if they did not choose to do so. He, for one, never asked for Protection.²⁷

He had first began in 1831 to advocate the reduction of duties in England on Canadian grain. It was refused for ten years; but²⁸ he happened to be in England in 1843, when he showed Lord Stanley the necessity of admitting into England the productions of Canada duty free, and²⁹ he obtained from that nobleman in 15 minutes what he desired.³⁰ A despatch was forthwith sent out to Sir Charles Bagot on the subject. He (Mr. M.) never asked for Protection; all he wanted was that Canada should be placed upon the same footing as Ireland or any other portion of the Empire. He was prepared to show that we were paying enormous sums to England by the heavy duties that were imposed on many articles, and he thought that if the matter was referred to a select committee, some course might be adopted by which these things that we so much desired might be gained.³¹ He believed there would be no difficulty in obtaining what he asked now, if the Provincial Government did its duty. As to what it was proper to ask for, let the committee be the judge.³² If England refuses this she must at least put us on as good a position as is enjoyed by our competitors on the other side. She must either do one or the other. He did not think it right of the Government to refuse an inquiry of this kind.³³

MR. ROBINSON would take this opportunity of asking the Inspector General what was the state of the question of reciprocity at the present time? He should also vote in favour of the resolution, as far as reciprocity was concerned. It was quite clear that the Imperial Government alone could interfere to obtain for us what we want.³⁴

MR. INSP. GEN. HINCKS replied, that all that he could say was that we have perfect knowledge that the Imperial Government have done all that they can do to obtain reciprocity. The British Minister at Washington was now in treaty with the United States Government on the subject, and at the time of the change of affairs in that Government, the affair had made very considerable progress³⁵ and for a certain period great hopes were entertained of success. Latterly, however, an attempt had been made on the part of the American Government to settle the fishery question, without the reciprocity question³⁶. The Minister, confirmed by the Imperial Government, refused to go into any settlement on the Fishery question unless the question of reciprocity was taken up in connection with it. (Loud cheers.)³⁷ The Home Government ... had thus commanded the gratitude of every man in Canada.³⁸ Mr. Crampton is under the impression that the late change of Government in the United States will be favourable to the accomplishment of his design. (Hear, hear.)³⁹ Mr. Crampton still believed that reciprocity must be granted by the United States for their own sakes, and for his (Mr. H.'s) own part, he felt sure that the settlement of the dispute relative to the fisheries was of vital importance to the Americans.⁴⁰ It is necessary for the people of the United States to get the fishing question settled; but they want to have that settled on a separate basis, which the Imperial Government will not agree to, and we have every reason to be grateful to the late Ministry in England, headed by Lord Derby, for the steps they had taken in our favour. (Cheers.)⁴¹ The subject had made great progress in Congress though reciprocity had not been obtained.⁴² The Minister at Washington was very sanguine on the subject.⁴³

MR. RIDOUT did not see why this Committee should be refused, although he did not see that the appointment of the Committee could lead to any good result. At any rate it could not do any harm, and if the Committee did recommend an address, it did not follow that the House should send it. (Hear, hear, and laughter.) At the same time, he was desirous that the Committee should have an opportunity of meeting together and consulting over the matter. He was glad at hearing from the leader of the Government the steps that had been taken on the subject of reciprocity, and⁴⁴, after the able report of Mr. Seymour at

Washington,⁴⁵ he did not yet abandon the hope of this country gaining that which would be so much better for her than what was asked for by the hon. member for Lincoln.⁴⁶

MR. PROV. SEC. MORIN thought it might do harm, inasmuch as it was important the colony should preserve its character for consistency and good sense.⁴⁷

MR. BROWN quite agreed with the position taken up by the hon. Inspector General⁴⁸ and he was much surprised the hon. member for Toronto should be so easily led away as to vote for the motion of the hon. member for Lincoln.⁴⁹ The reference of such a subject to a select committee of inquiry was in his (Mr. Brown's) opinion most unadvisable. If there was one great public interest above all other interests on which the policy of Canada should be well-defined and consistent, it was the trade and commerce of the country. He did think that the full responsibility of protection and advancing the commercial interests should be left with the Government of the day, and that motions and addresses by independent members on related questions of trade policy, unless in formal opposition to the Government policy, tended to relieve the administration from that responsibility and to give a most hurtful character of uncertainty to the commercial legislation. He quite agreed with the Inspector General as to the total inutility of the movement now proposed by the hon. member for Lincoln: the Imperial legislation after long consideration had adopted a definite commercial policy--the policy of legislating in the manner most beneficial for Great Britain without regard to other countries--they had left Canada free to pursue any course her Parliament thought best--and he was quite sure that an address asking special protection in the English market for the produce of this country would not be of the smallest use. It would end in precisely the same way as did the address of the hon. gentleman in the early part of the session, asking the imposition of differential duties on American produce entering England, until the Americans consented to receive Canadian produce free of duty. The hon. gentleman succeeded in coaxing the House into the adoption of that address--useless as it evidently was and, as it was admitted to be by many who voted for it--and what was the result? That it was acknowledged in terms barely courteous!⁵⁰

MR. PROV. SEC. MORIN.--It was acknowledged in a very proper manner--just as it should have been. (Laughter.)⁵¹

MR. BROWN.--Undoubtedly--it was couched in the very style the application deserved--"address received"--"laid before the Queen"--"received very graciously"--not worthy of an argument in reply. He (Mr. Brown) did not think the influence or dignity of this Province was promoted by the transmission of addresses which any one knew could have no practical fruit--and for his part, he did not hesitate to say that he wanted no preference in the English market. He thought Canada quite able to stand alone, and to chalk out for herself a commercial policy, independent of favours from any source. If the hon. member for Lincoln was prepared to advocate the extension of the Reciprocity principle to Great Britain--to receive her manufactures free in consideration of Canadian produce going into her ports free--he would at least have some plausibility for ... his proposal; but to ask that our produce should go free, while we kept up our duties, was only to have us laughed at.⁵² It was degrading for a new, strong, flourishing country like Canada to be begging of England.⁵³

MR. MERRITT.--The Select Committee might report such a scheme.⁵⁴

MR. BROWN.--What is the use of a select committee? This is a broad, general question, which every member has long and thoroughly considered--and if the hon. gentleman wishes it discussed, let him frame resolutions and place them before

the House. This is the proper place for such a discussion. A select committee, named by the hon. gentleman, would no doubt report in a manner favourable to the views he holds--and we would thus have placed on our Journals a report of a Committee on one of the most, if not the most important questions of the day--entirely opposed to the views of the majority. He trusted the committee would not be granted.⁵⁵

MR. MERRITT did not believe the last hon. member had placed himself in possession of the meaning of what he had stated. He intended that after the reference to the committee had been gone into, certain proposals should be laid by them before the consideration of the House, when the matter could be properly matured.⁵⁶

MR. INSP. GEN. HINCKS believed, according to the resolution, that they could not take up the subject at all.⁵⁷

MR. H. SMITH (of Frontenac,) with reference to the question of reciprocity, thought, that the country stood in a very false position. The hon. gentleman, who in 1849 made this motion, intimated that in his belief, the American Government would meet us with their Reciprocity Bill, the moment we passed that then before the House. He (Mr. Smith) on that occasion had opposed the bill, upon the ground that they were showing themselves so anxious to get the measure, that the American Government would not feel disposed to concede reciprocity to them. He was not surprised at matters failing in successful results, whilst such wrong courses were adopted. That should have been a matter of adjustment between the English Government and the United States in the first instance, and had that been the case, the people of this country would have succeeded [sic] in obtaining what they wanted. Notwithstanding the result which had followed that bill of 1849, he nevertheless thought the hon. member for Lincoln, entitled to the thanks of all the country for trying to bring about that great boon for Canada. (Hear, hear.) Although the hon. Inspector General had intimated, that there might not be any good result from the adoption of the proposed resolution, he did not see how the determination of that committee to which the matter was to be referred, could be productive of any harm. That committee was under the influence and control of Parliament. If the inquiries should fail to produce a favourable result, that would not do any extraordinary injury. Having heard the matter discussed so frequently, it did appear to him, that justice had not been done to this country, and although the people had been unceasing in their endeavours they should not be discouraged, for they might at length succeed in obtaining that which they desired.⁵⁸ He believed the hon. member for Lincoln entitled to thanks for his zeal in pressing this measure for the advantage of the agricultural interests, and he would not refuse his aid now. He was glad to hear that the fishery question would not be settled without the reciprocity question, he conceived the one would lead to the other⁵⁹. He was convinced that Great Britain never would make concessions to the United States in relation to the "Fisheries" upon any consideration whatever, until that long-talked-of "Reciprocity Bill" had been carried. (Hear, hear.) If that was the determination of the Mother Country upon that measure, he did not think that any harm would result by sending over another address. He therefore hoped the hon. Inspector General would consent to the matter being referred to the committee, and in that event they could report upon it, and it would afterwards receive consideration before the whole House.⁶⁰

The vote was then taken on the motion.⁶¹

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The Honorable Mr. Merritt moved, seconded by Mr. White, and the Question being put, That a Select Committee, composed of the Honorable Mr. Macdonald,

Mr. Cartier, the Honorable Mr. Robinson, Mr. Chapais, Mr. Langton, the Honorable Mr. Young, and the Mover, be appointed to consider and report on the expediency of recommending the adoption of an Address to Her Majesty in favor of admitting the Productions of Canada into the Markets of Great Britain free of duty, comprising Grain and Breadstuffs of all kinds; Pork, Beef, Butter, Cheese, and Provisions of all kinds; Timber, Ores, Metals, Clay Stones of all kinds; Hides, Tallow, Fish, and Oil of all kinds, and all articles manufactured from the productions of Canada; also to consider whether the same principle should not be applied to our Commercial intercourse with the Sister Colonies; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Cauchon, Christie of GASPE, Clapham, Dixon, Dubord, Gamble, LaTerrière, LeBlanc, Macdonald of KINGSTON, Marchildon, Sir A.N. MacNab, Malloch, Merritt, Murmev, Ridout, Robinson, Sanborn, Shaw, Smith of FRONTENAC, Street, Valois, Viger, Willson, and Wright of West Riding of YORK.--(25.)

NAYS.

Messieurs Brown, Burnham, Cartier, Chapais, Solicitor General Chauveau, Crawford, Fortier, Fournier, Hartman, Hincks, Lacoste, Langton, Lemieux, Mattice, McDougall, Mongenais, Morin, Morrison, Paige, Patrick, Poulin, Rolph, Attorney General Richards, Rose, Sicotte, Terrill, Turcotte, Varin, and White.--(23.)
So it passed in the Negative.

MR. MERRITT⁶² [moved for] an Address ... to His Excellency, for a copy of the contract entered into for furnishing Tug-Boats on the St. Lawrence between Prescott and Montreal, with the name, tonnage, draught of water, and power of each boat; and also, for the surveys, when obtained, of the channel between Prescott and Montreal, and Charts to point out what obstructions exist therein, for the information of Marines navigating this Channel. The hon. member in moving said, his object in bringing the matter forward was to have the desired information placed before the Government and the public, so that easy reference thereto could be had. He knew that there must be an addition in the number of Tug-Boats this year, but he wanted to ... know precisely the amount, &c., as it was indispensable for the welfare of Canada, that there should be a sufficient number of them, and that should be of very great power; not less than 150 horse power, and have a light draught of water. Then the public might depend upon their efficiency and so on, for conveying freight up and down the St. Lawrence. Now he was satisfied that in order to carry this out in an uniform manner, it could only be accomplished by Government holding the Boats themselves, and after that, work them as they pleased, but his chief object then in view was to have the information set forth and placed upon record, according to the details contained in his motion.⁶³

MR. H. SMITH (of Frontenac) said, the matter had been the subject of great consideration in Upper Canada, as to the propriety of putting on this line of Tug-Boats as Government property, but the complaint against the late contractors was, that they neither had sufficient power of tonnage nor an efficient number of Boats to work with satisfaction in the trade. Small Propellers were used in the river, and sent down in consequence of the great delays experienced in using the Tugs, and one large firm, being extensively engaged in the lumber trade, used to tow their own vessels to the injury of persons paying Government tolls. But if the Government declared their intention to put on a line of Tugs to answer the purposes of the Western trade, it would of course be very desirable.⁶⁴

MR. COM. PUB. WORKS CHABOT, (in French), said in answer to questions from Mr. Smith, that the government had made arrangements for an efficient line of

Steam Tugs; but they would not sign the contract until the contractor had provided himself with the necessary vessels; and they were now waiting until these vessels had been properly inspected by competent and independent authorities. He had no objection to send down any documents; but could not consent to an address for information, as to the future intentions of the government.⁶⁵

MR. INSP. GEN. HINCKS: When it was sought to obtain information as to what the intention of the Government might be, the question should be put to the House, and the proper way of obtaining all surveys (if there were any) would be, to direct the proper parties to lay before the House, copies of all information,--but as to asking what the intention of the Government might be, with regard to the establishment of the Tugs he thought wholly objectionable.⁶⁶

MR. MERRITT was satisfied that the whole country had but one view on the matter. Tug-Boats could never be established on the St. Lawrence unless the Government themselves built them, and if they were properly built they could go to Montreal and back in a day and a night. The tolls were constantly decreasing on that River. He was convinced that if the question was to be brought before the House, all who understood it would be in favor of the Government adopting the scheme, and that if the Government were to build those boats and let them out, they would get from the tolls paid a very handsome amount, and the hon. gentleman therefore hoped that they would take the subject into consideration, and adopt it thereafter.⁶⁷

MR. GAMBLE did not think that things would be conducted in a proper manner until vessels were specially constructed for the purpose of towing vessels up and down the St. Lawrence, and he thought that the Government should take steps which would lead to such vessels being properly constructed. They ought to try and cheapen the freight of vessels passing up and down, and the only way left for restoring the traffic on the River will be that course, and he hoped no time would be lost, but that those boats would immediately be employed for the purposes of towing. It being a matter of great interest, he hoped the result would be that the contract which had been entered into would answer the end for which it was intended, but he certainly did not look forward to anything being done until the establishment of efficient vessels was obtained. There was nothing to prevent vessels of efficient power being employed on the St. Lawrence, and if obtained great benefit will result to the trade.⁶⁸

MR. INSP. GEN. HINCKS, then said--The question as to the expediency of securing an efficient line of Tug-Boats, was doubtless one of high importance.⁶⁹ [He] said that the contract had been given to Capt. Maxwell, who had tendered at more favorable terms than any other parties, and it was not till after that fact was ascertained that it was proposed to furnish larger boats.⁷⁰ He would not say what was the intention of Government, but this he did know, with regard to the existing line of boats, that the Chief Commissioner of Public Works, and his colleagues had been devoting a great deal of attention to the subject, and seemed most anxious to facilitate the adoption of that which was most desirable for meeting the requirements of the trade. He had always said that it would be inexpedient for the Government to enter into this business of building boats, but he thought that there was another plan that might be adopted--(hear, hear,)--one not open to so much objection as the other:--the Government might advance money upon perfectly good security to persons having a contract, knowing that those persons were competent men. He would not go so far as to say that that plan would be desirable, but he thought that it was more desirable than the other⁷¹, though he did not pledge himself to it⁷². The contractor should build the boats at his own risk, and the Government should hold those boats as security until the purchase money should be paid off. (Hear, hear.) He believed, in fact, that that was the communication he had had with Captain

Maxwell, who declared that he would have built boats rather at his own risk and expense, and he could have taken the contract on most advantageous terms. Altogether he thought that the course which the Government had taken was the best. All that remained for the Commissioner of Public Works to do was, to take every means in his power to secure the best boats possible, and the experiment should be tried to see how, by next season, efficient boats [*sic*] could be got by some means or other. He had paid some attention to the subject tolls, and had had the opportunity of seeing several masters of vessels most largely engaged in the trade between Liverpool and Quebec, and their opinion was certainly rather unfavourable to the Tug-Boats. They were much more anxious about lighthouses--they did not think that those Tug-Boats would be of any use, and they said it was thought that screw steamers would be the most desirable, and they were giving every assistance to a company for the establishment of those steamers; and it was their opinion as at present, that screw steamers would displace all other[s] in the trade.⁷³

An interruption ... [was made by] MR. CAUCHON, with reference to the tug boats below Montreal⁷⁴.

MR. INSP. GEN. HINCKS said it would be the best way for the hon. member to bring this subject before the House by motion.⁷⁵

MR. DUBORD thought it was only necessary for him to say a few words in regard to this great point of interest to the trade and the public. It had been a matter of surprise to him that those Tug-Boats had not before been established, considering the great benefit they would prove to Quebec.⁷⁶ [He] thought it desirable that there should be tug boats below. There ought also to be a reduction of insurance, which was enormously high to the St. Lawrence, though accidents were not more common than in the New York trade.⁷⁷ The hon. member, after indulging in some copious remarks on the advantages presented for conveying freight, said, it gave him the greatest satisfaction to hear the proposition made by the Hon. Inspector General in regard to advancing on security a capital for building these Tug-Boats.⁷⁸

The resolution, voting the address was carried.⁷⁹

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On motion of the Honorable Mr. Merritt, seconded by the Honorable Mr. Robinson,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a copy of the Contract entered into for furnishing Tug Boats on the St. Lawrence between Prescott and Montreal, with the name, tonnage, draught of water, and power of each Boat; and also, the Surveys, when obtained, of the Channel between Prescott and Montreal, and Charts to point out what obstructions exist therein, for the information of Mariners navigating this Channel.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Mr. Merritt, seconded by the Honorable Mr. Viger,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will please to direct the proper Officer to lay before this House, a Statement of the monies which have been received from the sales of all Public Lands since the 30th May, 1849, under the provisions of the first Section of the Act, intituled, "An Act to raise an Income of One hundred thousand pounds out of the Public Lands of Canada, for Common School Education;" also, a Return of the One Million Acres of Land set apart for the purpose of creating a Fund for the establishment and support of Common Schools

and District Libraries, and not to be alienated for any other purposes whatever, shewing where the same is situated, the price originally fixed per acre for the same, the number of acres sold, the amount paid thereon, and invested under the second Section of the aforesaid Act, and the charges for management and sale thereof in each year; and praying that His Excellency will direct that a Statement shewing the state of this Fund be hereafter published in the annual Public Accounts.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to remove doubts touching the Act incorporating the Burlington Bay Dock and Shipbuilding Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

On motion of Mr. Turcotte, seconded by Mr. McDougall,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of all Communications which may have taken place between the Executive Government and the present Proprietors of the St. Maurice Forges, with reference to the said Forges and to the Lands of the Fief St. Etienne; and, also, of all Instructions given by the Government, and of all Reports made to the Government, in relation to the said Forges and Lands of St. Etienne, since the Report made on the same subject by Etienne Parent, Esquire.

Ordered, That the said Address be presented to His Excellency the Governor General by such members of this House as are of the Honorable the Executive Council of this Province.

On motion of MR. LANGTON⁸⁰,

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Resolved, That a Select Committee, composed of Mr. Langton, Mr. Gamble, Mr. Hartman, Mr. Street, Mr. McDonald of CORNWALL, Mr. Burnham, and [Mr.] Christie of Wentworth, be appointed to inquire into and report upon the operation of the Assessment Laws, especially with reference to the collection of Taxes on

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Lands of non-residents and the equalization of County Rates amongst the several Municipalities.

On motion of Mr. Dubord, seconded by Mr. Valois,

Ordered, That the Rules of this House be suspended in the case of the Petition of the Mayor and Councillors of Quebec, praying for power to borrow an additional sum of Fifty thousand pounds for the construction of Water Works.

On motion of the Honorable Mr. Badgley, seconded by Mr. Gamble,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, copies of the Instruction at any time received by the Provincial Government, or by the Government of Lower Canada, in relation to the Commutation of Tenure.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Brown have leave to bring in a Bill to authorize Clergymen of the Presbyterian Church of Canada, in Lower Canada, to keep Registers of Marriages, Baptisms, and Burials.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twenty-second Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill from the Legislative Council, intituled, "An Act to incorporate the Brockville Gas Light Company," and have agreed to report the same without any Amendment.

Ordered, That the Bill from the Legislative Council, intituled "An Act to incorporate the Brockville Gas Light Company," be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Crawford do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath passed the same, without any Amendment.

On motion of Mr. Ridout, seconded by Mr. Murney,

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the election of one Member to serve in the present Provincial Parliament for the City of Toronto, in the room of William Henry Boulton, Esquire, whose Election has been declared void.

A Bill to incorporate the Montreal, Bytown and Ottawa Grand Trunk Railway Company, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the Montreal and Bytown Railway Company."

Ordered, That the Honorable Mr. Badgley do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to incorporate the Brockville and Ottawa Railway Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

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Ordered, That Mr. Crawford do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill supplementary to an Act of this Session, detaching for Judicial purposes the Settlements of Sainte Anne des Monts and Cap Chat from the District of Gaspé, and annexing the same to the District of Kamouraska, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act supplementary to the Act to detach, for Judicial purposes, the Settlements of Sainte Anne des Monts and Cap Chat from the District of Gaspé, and annex the same to the District of Kamouraska."

Ordered, That Mr. Christie of Gaspé do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day being read, for resuming the adjourned Debate on the Question which was, on Friday the eleventh day of March instant, proposed, That the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof, be now read a second time;

And the Question being again proposed:--The House resumed the said adjourned Debate.⁸¹

MR. BADGLEY (en anglais)⁸² said that in this question the two parties in Lower Canada who were interested were on one side the Seigniors, on the other the censitaires. He looked on the Upper Canadian members as impartial umpires

between them. Without going into the particulars of the bill, which he reserved for Committee, he proceeded to remark upon the character of the tenure itself. He did not agree with the view which had been taken by some members against the learned Counsel at the bar as to the aristocratic character of the first settlement of the country. The Kings of France who had attempted the settlement of the country, had only two motives for their acts, religion and commerce. Here the hon. member went over the history of the early attempts at settlement from France, showing that they met with only partial success and required constant aid from the mother country. Still the great object was to extend trade and religion by systematic colonization. Nevertheless, the grants made to the several companies who had possessed the country were made by a monarch and ministers the most remarkable [sic] who then existed, and while he wished to colonize, the King certainly did intend to maintain here the institution of nobility, and not only in Canada, but in the West Indies and Louisiana. Several tracts of land were erected into baronies, countes &c., and he was, therefore not to be told that the Kings of France did not mean to establish an aristocracy in their transatlantic possessions. This was, however, a matter of very little importance, since the question, he presumed, was to be considered in a practical point of view. He however farther cited on this head an extract from Champondiere to prove that in the 15th century the country people were subjected to the most servile impositions. So that the King of France must have had an idea of this difference of orders when the colonization of Canada begun under Henry 4th. Then there was no common law established in Canada until 1663; and the establishment of the conseil superior, and previous to that time it was plain there could be no law to dominate grants of the King except that in some of these grants, the grantees were bound to observe the coutume de Paris or that of vexcin le François; where these provinces did not exist the grants were uncontrolled by any law. The grants were just such grants as were made by the English Monarch in the English colonies and even in England itself--absolute grants in free--the conditions being that the grantee should give a crown of gold or some such redevance as a mark of subjection to the crown. Strathfield sage was held to-day by the Duke of Wellington on a similar title. Then what followed the introduction of the custom of Paris? That introduction supposed a tenancy; for the law laid down rules relating to the rents, which implied necessarily this kind of tenure; but it contained no rule which fixed the rates of rent. Looking farther into the titles, granted after that period he found in very few any compulsion on the part of the Lords Paramount, to force the grantee to sub-grant his land, and nothing in any of them like the dictation of a fixed rate of rent. How indeed could there be any such idea of fixed rate? There was no such rate in France; for each custom had even its own peculiar form of determining or measuring the rent. Thus in Champagne the amount of the rent depended on the number of horses kept; in other parts on other things. It could not be otherwise, because part of France was a wine country, part a corn country, and any common method of ascertaining the rent would have been unsuitable to these varieties. The coutume of Paris fixed no rate of rent, though it did fix the rate of lods et ventes; and though the rent appeared to be very small it was amusing to notice how this smallness of value had occurred by gradual diminution [sic] of the value of money, after concession had taken place. There was also always a corn rent, which of course did not diminish in value like the money rent. He here quoted Galland, to show that in 1663 there was no other rule for the rents in France at the moment of concession than the will of the Seignior, which of course was guided by the market value of the land since if he asked too much he got no tenant. Herve acknowledged indeed that some person considered the cens nothing but a nominal charge a mere acknowledgment of Seignior; but that view he combatted very successfully, and he pointed out cases of the abundant manner in which money

had depreciated in value since the rents were fixed by the original concessions. Thus the inhabitants of Bruges were prohibited from hunting under pain of having an eye cut out, or paying its equivalent a fine of five sous, and the same author gave many other examples of the same kind. Herve thus showed that the redevance to the Seignior was not a mere nominal thing; but in the first instance a charge really representing the value of the land granted. There was indeed no real difference in those periods between the feudal tenure in France and England, and when the coutume of Paris was reformed, it was reformed for the same reasons which led to the abolition of feudal tenures and so on in England about the same period,--it was because there existed an immense variety of services pressing on the inhabitants, and oppressing them to such an extent that the landlords themselves had to introduce a change with a certain fixity of charge--a fixity as to the mutation fines at least. The fine on a copyholds [sic] in England, too, was precisely the same to this day as our lods et ventes--or at least till within six months in Lower Canada. There were however, parts of France where none of these things prevailed inasmuch as the south of France was governed by the Roman law. The French settlers therefore came out to Canada under the Custom of Paris without any fixed rate of rent; but the King no doubt knew and meant that the Seigniors should render their large grants of land valuable by way of settlement. It was not rich men with good farms who were coming out to a new Country, to encounter the perils of the wilderness. They were poor men, whom the Seignior [sic] could pick up and to whom he offered as an inducement lands at very low rates. These low rates had since grown up to be called usual and accustomed. Now at the time of the conquest of the Country there were but 60000 people in it and should we be told that because Mr. Hocquart said at that time there were several varieties of lower rates that some one of these rates must be taken as the limit at present, when a farm then not worth a sous would be perhaps worth £200? It was alleged certainly that the arret of Marly had fixed this limit, but this was not the case. It appeared from the arrets of Marly not only that the censitaires did not always settle; but that the Seigniors sometimes attempted to fix a money rate for the purchase of their lands instead of an annual rate of rent. These things the King attempted to remedy; but the remedy was only to be applied in case the Seignior refused to concede the land--it never applied in cases where the parties could come to an agreement between themselves. But there was a subsequent enactment which set aside all this provision of the arret of Marly. The declaration of 1743, was the last law on the subject, and like all last laws the prevailing law, and it was moreover a general law for the whole of the French Colonies, there the hon. member quoted the law in question. He left it to any one to say whether there was anything in the edict of Marly which established a fixed rate? If not it was not to be found in the common law, nor with two or three exceptions, in the grants. It was therefore to be found no where. It was only in some latter grants that anything like a fixed rate of rent was determined, though there was no doubt that custom had established certain rate, in certain Seigniories. These customary rates, however, were never uniform dues. But the question was not merely one of historical disquisition or legal technicality. It related rather to the position in which the parties really were. He thought the tenure ought to be abolished; it had done its turn in peopling the country; but it was not a tenure for progress and should be now set aside for ever. He wished to tear the two first chapters of the coutume on Seigniors and censives out of the Statute book. For this reason he thought the bill of the Attorney General did not go far enough. He desired the immediate extinction of the tenure; but this with a due regard to the rights of the Seignior. Now was there any real difficulty in accomplishing this if both parties would meet this question boldly.⁸³ [He] promised to lay a measure on the table with that

view.⁸⁴ He held in his hand the act passed six months ago in England abolishing the last copyhold tenure in that country. What was the difference in this respect between the incidents of the copy holds tenure in England and that of the Seigniorial tenure here, that prevented a similar mode of disposing of our own case? There was no such difference. The first thing in our tenure was the cens et rente or annual rent, which could never press heavily, because it was matter of agreement which was no more onerous than the ... rent of a house. Then came the casual revenues arising first from the mutation fines, which had truly pressed upon the country, because they were a burden on labour. Thus a man might take land worth £10,000 and then if he desired to sell he must suffer for the Seignior a tax of $8\frac{1}{2}$ per cent upon the whole value of the improved property. Then came the banality, which the courts though they had differed about it had always maintained. He ranked it among the casual rights of the Seigniors because it had been so maintained. What was remarkable in the bill before the House was that while all the petitioners desired the tenure to be abolished, the bill of the Attorney General preserved the tenure. Voluntary commutation would do nothing, as had been shown, in the cases of the Seigniors of the Montreal Seminary. Why in all those Seigniories, out of the City of Montreal, there had not been more than some five commutations and one of these was made by a man, who thought it would free him from his tythes. This experience convinced him that he had been wrong in once thinking that there could be a voluntary commutation. He thought now there must be a compulsory commutation--compulsory on all parties. He did not desire however to make this forced commutation payable immediately; in England ten years had been adopted as the period within which it must take effect. Here money was scarcer and a longer term might be allowed. Let the seigniors' rights then be converted into a rent charge payable in a number of years. As to determining the commutation of the cens et rentes there need be no difficulty. The rent of course represented a certain capital. Then as to the lods et ventes, many seigniors he knew would be ready to take one lods et ventes, as a commutation, which was rather less favorable than the terms of the crown seigniories and of the Seminary of Montreal. Why then should there be more difficulty out of these seigniories than in them? The member for Dorchester wished to reduce the lods et ventes to the mere value of the lands without the improvements. To do that would be to tell the seigniors they might as well give up their property altogether. He did not think the House, as the guardians of justice, would thus interfere to set aside the judgments of the courts for one hundred years, and that Parliament would erect itself into a Court of Appeal and decide what was law and what was not. Would it not have been better if [t]here were any doubt in this matter to take a case home to the Privy Council--the last court of appeal, and not liable to the reproach of being interested parties? Had that been done the true law of the case could be easily determined. He did not mean to enlarge in the details of the bill; but he repeated that he did not think it went to the root of the evil. The bill would maintain the law, but would do so at the expense of the Seignior, and at the expense of public morals, which must suffer by that House erecting itself into a Court of law to decide against the decisions of the legal authorities. In England this same question occasioned difficulties over and over again, for eight hundred years, and had finally been decided as he had told the House. In France, in the revolutionary times, they had abolished the tenure; but in doing so they gave the Seigniors a fair indemnity. The House then should in coming to a decision remember that though the censitaires had rights the seigniors also had rights no less important and sacred.⁸⁵

MR. BROWN said, before voting for the second reading of the bill of the Attorney General, he desired to say a few words.⁸⁶ He had felt much interest in it, and given attention to all the debates.⁸⁷ He did not intend entering

upon the merits of the question until a later stage of the proceedings upon the bill--but there were some features of the measure to which he now wished to call attention. Before referring to these points, however, he desired to say that he could not agree with the line of argument adopted by the hon. and learned gentleman (Mr. Badgley) who had just sat down. I do think, continued Mr. Brown, that the hon. gentleman totally failed in his attempt to draw a parallel between the Feudal system of old France, and the Seigniorial system of Lower Canada. (Hear, hear.) It seems to me that no deduction can be fairly drawn from the condition of things in the old world, as to what was intended in the new. The state of things in France in all its injustice had grown up through centuries--the nobles were all powerful under it--the mass of the people but the serfs of the nobles. It cannot be conceived that in settling a new world--a wilderness unknown to civilization, where might must be right for many years there to come--the idea of transferring and perpetuating on such a soil the degrading vassalage of old France, could possibly have been entertained. (Hear, hear.) But, indeed, all the facts, all the documents, appear to me to give a decided contradiction to the supposition that the Kings of France entertained any such idea. They all seem to bear one construction--that an earnest desire was entertained to settle the country, and that the large grants of land assigned to individuals were made to secure that end; were given in trust to the Seigniors under certain conditions. (Hear, hear.) The deeds of grant directed the manner in which the land was to be divided when the Seignior conceded to the Censitaire--they fixed the utmost extent of each such concession, and they declared that they were in all things subject to the customs of Paris. All the French state documents of the time exhibit a freedom in dealing with the position and proceedings of the grantees utterly irreconcilable with the absolute ownership claimed for them by the learned counsel who spoke at our bar, or even with the modified claim of the hon. member for Montreal. The Arret of 1711 alone appears to me to settle entirely the question as to the intention of the French Crown in making these large grants of land and the well-understood conditions on which they were held. The hon. member for Montreal says that though that Arret made it compulsory on the Seigniors to concede their land to all who applied for it--yet it did not fix any rate of rent at which the concession must be made. Very true, Mr. Speaker, but if the Crown held the right to regulate the terms of concession on one point, it must have held it on all points--and the strong exercise of that right by the Arrets of 1711 and 1743 without objection on the part of the Seigniors, dissipates the argument of the hon. gentleman when he attempts to show that the Seigniors held their land otherwise than as a trust for the public benefit under the control of the Crown.--(Hear, hear.) And if I understand the question rightly, there was no occasion for the King of France's interference as to the amount of annual rent to be exacted by the Seignior--seeing that up to 1759 there was not one concession made at a higher rate than 1d. per arpent. (Loud cries of hear, hear.) The hon. gentleman says the rent was different in almost every Seignior--that in one it was so much grain, in another so many capons, and in a third the rent was payable in horses;--but it is stated that, notwithstanding this variance in mode of payment, when reduced to a money value, the amount of the rent in all these cases was as nearly as possible the same--one penny per arpent. (Hear, hear.) Then it must be borne in mind that in all concessions to Censitaires holding direct from the Crown, the rent was fixed at a rate below a penny per arpent--and another strong fact was, that in the grant of the seignior of the Lake of Two Mountains, the rent at which farms should be conceded was declared to be about the same sum. With all deference to the learned gentlemen who have so ably argued the case of the Seigniors, I cannot for my part come to any

other conclusion than that the Seigniors got their lands simply as Trustees to facilitate the settlement of the country, and that the terms and conditions on which they were bound to concede were fixed and limited. (Hear, hear.) It was not until after the conquest of the country by the British that greatly increased rents, and those other abuses of their powers by the Seigniors which have rendered the tenure so fearful an evil in Lower Canada, began to accumulate--and if this question were to be settled solely upon the original rights of the Seigniors, I for one should have little difficulty in arriving at a conclusion. But unfortunately these abuses have been accumulating for 90 years--the law courts have recognized them--innocent parties have become purchasers of seigniories on the faith of past judicial decisions. The real question at issue in this matter appears to me to be this--does the continuance of these abuses during three generations, create a good title for the Seigniors to the full and legal enjoyment of all profits accruing from them? It must be admitted that a strong case may be made out on either side. The abuse it may be contended is very flagrant--has done great injustice to thousands--has lain like an incubus on the energies of the people; and as private interests must often be made to yield to the public weal, it may be very plausibly argued that stern justice ought to be meted out to the Seigniors, and nothing more than their original rights guaranteed to them. In favour of this view the sweeping away of the rights of Freeholders by the British Reform Bill of 1832 may be fairly cited and many other similar instances. On the other hand, the obvious argument of private injustice is forcibly presented to us, with all the strength and sympathy which naturally attaches to it. One thing, however, is very clear that the Seigniorial system is a vast moral and material evil to the land--that it depresses all spirit of enterprise, and presents a strong barrier against the development of the resources of the country. Every one must earnestly desire to see the system entirely abolished, and to effect so desirable a consummation I cannot but think that all would agree to any reasonable proposal of compromise. Now, what I desire to call the attention of the House to is this--that the bill of the hon. Attorney General does not effect this end, that it does not change the tenure, that it simply cuts off a portion of the abuses of the system from the shoulders of the Censitaire, and fixes it upon the shoulders of the public, and provides a mode by which parties who desire to do so may commute. (Hear, hear.) If I rightly understand the bill of the hon. gentleman the utmost rent which any Seignior is to be allowed hereafter to exact from any Censitaire is two-pence per arpent--but how he gets at that sum I cannot imagine. If he had said one penny per arpent, the object would clearly have been to recur to the original contract. Or, if he had given the additional penny as compensation to the Seigniors, the matter would have been plain; but, on the contrary, the question of compensation for this forced reduction to two-pence is thrown upon the public exchequer, and left open to arbitration. (Hear, hear.) The hon. gentleman says, in one breath, "all that the Seigniors are entitled to is two-pence," and with the next he says,--"but they ought to have more," and he throws the burden of paying it on the people of Canada, without one calculation as to the sum likely to be wanted! (Hear, hear.) There is no limit to the compensation to be paid to the Seigniors--all is left to the discretion of Commissioners to be appointed by Government--and should these gentlemen take a view favourable to the Seigniors, the sum to be paid out of the public exchequer may be enormous. If this bill were intended to change the tenure at one stroke, I can understand how the public might be called upon to contribute to the compromise; but if it is merely a bill to settle the rights of Seigniors and Censitaires, I confess I do not see the fairness of throwing the burden of the settlement on the public exchequer. I am quite opposed to the transference of such vast power to the hands of any commission, and still more opposed to leave it to the Law Courts as suggested

by the learned gentleman from Montreal. The hon. member knows well that a great share of the evil has arisen from the decisions of judges (themselves Seigniors) in favour of the unjust claims of Seigniors. (Hear, hear.) I think the legislature is the only tribunal competent to settle this matter-- I think we should determine to terminate the Tenure forever, looking closely into the rights of all parties, and doing equal justice to all. (Hear, hear.) Another great objection to this Bill is that large seigniories--the ecclesiastical corporation seigniories are specially excepted from its operation. But, Mr. Speaker, all these points will come up in committee, and will doubtless be fully debated. The bill of the hon. member for Montreal will then be on our table, and we will be able to contrast the plans of the two learned gentlemen, and extract from either that which seems best to adopt. I do think, however, that the only basis on which our legislation can properly proceed, is the entire extinguishment of the Tenure. (Hear, hear.) I cannot understand the fears which some of the friends of the Censitaire entertain on this point. The commutation money would not be payable now, but might be fixed for 20 years hence-- the interest only would be now payable--and how the insignificant sum of interest on each farm can be so dreaded I cannot comprehend. The hon. Attorney General alleges that any Censitaire who is sued for £25 is irretrievably ruined.⁸⁸

MR. AT. GEN. DRUMMOND explained that he had merely repeated the words of Mr. Justice Reid some years back, when the country was not so prosperous as now.⁸⁹

MR. BROWN: Then I misapprehended the hon. gentleman, and I am glad to hear that so sad a picture of the agricultural condition of Lower Canada cannot now apply. It cannot be possible that so small an annual burden could be seriously felt by the Censitaires, but if it were so, the total change of Tenure is the true way of enabling them to meet it. I call the attention of hon. gentlemen to this fact, that if you change the Feudal Tenure at once to free and common soccage, giving the title to the Censitaire, and a mortgage for the commutation money to the Seignior, you will almost instantaneously raise the value of real estate in Lower Canada very much--you will induce immigration, and make the great natural resource of the country available. If you merely remove the worst abuses and leave the system in partial existence, the same benefit will not be obtained. The friends of the Censitaire ought clearly to be the loudest in the demand for an entire change of the Tenure.⁹⁰

MR. STUART said that although the discussion had been protracted to a great length and the subject had been very much exhausted by members who had addressed the House, particularly by the hon. Attorney General, East, and the member for Montreal, he could not allow the bill to go into committee, without first expressing an opinion upon the subject under discussion. It was admitted by all parties in the country, as well by those in favor of protecting the interest of the censitaires, as by those who support the interest of the Seigniors, that a change must be effected in the tenure of the lands, held under the Seigniorial Tenure in Lower Canada. The question and the only question at issue between the Seignior and the Censitaire, and it is one of the greatest difficulty for the Legislature to settle, is the indemnity to which the Seignior is entitled, a difficulty which he (Mr. Stuart) feared would not be surmounted or settled by the bill before the House. This difficulty was increased by the sectional feeling that prevailed in the House against the appropriation of a public fund for the attainment of an object of vast public benefit in which the country was throughout its extent interested, for it is not to be denied that the extinction of the tenure and the removal of all feudal burthens would, while advancing Lower Canada indirectly, promote the interest of Upper Canada and the other sections of the Province held under

a free tenure. The Seigniorial Tenure was inconsistent with the public feeling that pervades this continent and the time had at last arrived when it must be abolished in Lower Canada. The origin of this Tenure had been well and fully explained, originating in that necessity for mutual protection by the Seignior or military chieftain, on the one hand, & his followers on the other, at a period when the state of society was different from what it is now. A large portion of lands upon the continent of Europe was perfectly free from the feudal tenure long after it was established but the necessity of being protected at length forced the proprietors of even allodial lands into submission to the same tenure.--Although the question as to when the tenure was introduced into England has been made a subject of legal and antiquarian research, whether it preceded the advent of William the Conqueror, and forms part of the institutions of the Saxons, is a matter of uncertainty, but in his reign it became permanently established, and all lands in England were then held from the Crown. But in that country the people were not satisfied with the tenure, and by the great charter of the liberties of England, modifications of the tenure were effected. Dissatisfaction prevailed under the burthens it imposed on the people, but until the reign of James the first no distinct plan was in contemplation for removing them. These burdens, although differing in form, in effect were the same as those which impede the progress of Lower Canada; the mutation fines, our Lods et ventes, and the relief, are in terms mentioned as a portion of the evil. The plan of James the 1st was a simple one and provided for the total abolition of the tenure. The bill before the House has adopted the principle involved in the plan but in part only by providing a rent upon the farms. The language of Blackstone after an enumeration of the evils prevailing in England is "a slavery so complicated and so extensive as this called aloud for a remedy in a nation that boasted of its freedom....[Palliatives]" (and it is very much to be feared that--the measure before the House will if not changed prove but a ... [palliative]⁹¹ from being but partial in its nature) "were from time to time applied by successive acts of parliament, which assuaged some temporary grievances. Till at length the humanity of King James 1st consented, in consideration of a proper equivalent, to abolish them all, though the plan proceeded not to effect." King James's plan for exchanging the military tenures seems to have been nearly the same as that since pursued in England, only with this difference, that by way of compensation for the loss which the Crown and other Lords would sustain an annual fee farm rent was to have been settled and inseparably annexed to the Crown and insured to the inferior Lords, payable out of every Knight's fee within their respective Seigniories. An expedient seemingly much better than the hereditary excise which was afterwards made the principle equivalent for these concessions.--During the period of the revolution in England the tenure was discontinued and afterwards in the reign of Charles the 2nd, it was by statute abolished and an equivalent granted by a tax upon the people, a statute, which in the language of the writer already referred to, was a greater acquisition to the civil liberty of the Kingdom of England than even Magna Charta itself, since that only pruned [*sic*] the luxuriances that had grown out of the military tenures, and thereby preserved them in vigour; but the Statute of King Charles extirpated [*sic*] the whole and demolished both root and branches. The equivalent given in England was an hereditary excise conferred upon the Crown. An equivalent is what the Legislature of this country has now to determine, and in affording this, it is to be borne in mind, that a long period of time has elapsed which has given a sanction for this equivalent. The arret de Marly of 1711 which has been so much the subject of reference, owing to the law as put into execution by the courts of this country, has not received its execution, and the absence of any uniform rate of concession since the cession of the country, and the absence of any settled decision giving any

particular effect to it shews that it has never had effect since that period. The injunction conveyed to the Governor and Intendant by this arret is an order from an arbitrary prince to a despotic government in this country in which the subject is left to their discretion, a discretionary power which our courts could not give effect to, an admission made by the government, as the first enactment in the bill before the House has for its object to introduce as far as possible the provisions of this arret. As an indemnity is to be provided and as it is a principle of this bill that it will be, it is a subject for consideration whether the unconceded lands of the Seigniors ought not to be made to form part of the indemnity by charging the Seignior with the augmentation in value they would have upon giving him a free grant. There is, however, one feature in the bill decidedly objectionable, and that is the allowing of the first applicant to sue a Seignior for a free grant en franc aleu roturier. Why should one person more than another, particularly as it is a matter of notoriety that some of the unconceded lands are of so great a value that the first applicant who would obtain a free grant for nothing, might, the next day, sell his right for a sum of £75 in many instances and upwards. There is another feature in the bill liable to objection, and that is the provision for re-uniting to the Seigniories the concessions to be hereafter made, if the conditions of settlement are not complied with. This provisions [*sic*] appears to be contrary to the spirit of the bill which professes to have for its object the redemption of Seigniorial rights in Lower Canada altogether.--An expensive legal process is provided in the bill to effect this reunion involving suits at law and the fying of oppositions upon which must arise contestations, all to result in the property being vested anew in the Seigniors, for concession and a repetition of this process ruinous both to the Seigniors and the censitaire. There is also one clause in the bill which is retroactive in its effect and which impairs contracts already entered into. It renders void contracts already made, & renders the Seigniors liable for the excess of rents already received under their written contract with their censitaires. These objections are of so serious a nature he (Mr. Stuart) deemed it his duty to make them in order that when this bill reached another stage he might not be charged with not having submitted them in time to the House for consideration.⁹²

DR. FORTIER spoke at some length on the history of the feudal tenure in Canada⁹³. La question devant la chambre, M. l'orateur, a été discutée, de part et d'autre, avec talent, lumière et une argumentation étudiée, et lorsque des légistes, hommes reconnus pour leurs connaissances légales, leurs sciences, leurs habitudes et aptitudes à traiter des questions de droit, quand, dis-je, ces légistes distingués ont dit tout ce qui pouvait être relaté pour et contre la loi proposée, il semblerait qu'il ne devrait rien rester à dire, sans doute, sur le sujet, si le fait principal qui doit nécessairement changer la position des seigneurs n'avait été omis.

Il faut dire, pour bien comprendre la question, que la raison pour laquelle les lods et ventes et le droit de retrait furent établis en Canada, référant à l'histoire du pays pour connaître comment se sont faits les premiers établissement[s] ici, c'est parce que c'était une colonie plus militaire que civile. L'individu que nous appelons seigneur, ayant obtenu de Sa Majesté le roi de France par l'intermédiaire des intendants et gouverneurs une assez grande étendue de terre connue sous le nom de seigneurie avec la condition expresse de l'établir, il choisissait un certain nombre de personnes appelées censitaires qui étaient souvent des soldats retirés du service actif, leur concédait à chacun des lopins de terre se tenant les uns les autres pour la sureté de la communauté. Il fallait bien qu'il en fut ainsi pour que les colons pussent se secourir les uns les autres contre l'agression et les attaques subites et

réitérées des sauvages qui leur permettaient de cultiver leurs champs que lorsqu'ils tenaient d'une main la charrue et le fusil de l'autre. Il y avait alors une espèce de réciprocité entre le seigneur et le censitaire, ce dernier en défendant son seigneur et sa propriété, et le seigneur en récompensant son censitaire en lui donnant une terre et en prélevant sur lui une faible redevance, une redevance presque nominale comme marque de respect et nou [sic] pour spéculer sur son censitaire et s'enrichir à ses dépens. Voilà quelle était la position respective du seigneur et du censitaire. Le seigneur pouvait avoir haute, moyenne et basse justice sur le censitaire qui était son homme d'arme qui devait le suivre à la guerre; ainsi le censitaire avait un intérêt particulier que son censitaire fut, non seulement, un homme probe, mais aussi fort et capable de porter les armes; car le seigneur conduisait souvent sont [sic] censitaire soit dans les pays d'en haut à la poursuite des sauvages ennemis, soit à harceler les habitants des colonies anglaises. Le privilège de retrait donnait alors au seigneur le droit de reprendre une terre vendue à une personne qui [ne] lui pas convenait pas, par là de rendre la vente nulle, d'éliminer de sa seigneurie un sujet qu'il n'aimait pas, et de concéder de nouveau cette terre à un sujet honnête, probe, fidèle et loyal.

Le seigneur n'était que le fidéi-commis ou l'agent de la couronne pour concéder les terres du pays suivant les ordonnances; les cens et rentes ne lui furent alloués comme compensation pour ses troubles et lui donner une certaine prépondérance et non pour le faire vivre et l'enrichir. Plus tard il ne tarda pas à se croire presque le seigneur suzerain et établit la tenure en roture. De fait plusieurs édits et ordonnances et même des patentes royales confirmèrent ces prétentions à plusieurs seigneurs qui en ont abusé depuis à outrance. Mais un fait positif c'est que ces lods et ventes n'étaient que pour conserver au seigneur un homme d'arme et le droit de retrait que pour se débarrasser d'un individu qui ne pouvait pas défendre la propriété. Du moment qu'un changement politique dérangeait cet ordre de chose, que le seigneur ne pouvait plus exercer la haute ou la moyenne justice, qu'il ne lui était plus laissé d'armer les censitaires, alors ces droits qui étaient une compensation de troubles et dépenses devraient cesser.

La cession du Canada à la Grande-Bretagne par les traités de Paris et de Gand, mettait la colonie sous une autre forme de gouvernement; les seigneurs devenaient comme le censitaire de simples sujets qui ne pouvaient avoir droit qu'à des cens et rentes minimales, et ne pouvaient exercer la justice que comme juges de paix s'ils étaient nommés comme tels par le gouvernement; et c'est bien la faute du gouvernement d'alors si ces exactions des lods et ventes et droit de retrait ont existées jusqu'à nos jours, exactions qui ont retardé les progrès dans tous les genres d'industries.

Mais, dit-on, comment se peut-il faire que cet état de chose ait pu exister si longtemps? A cette question, je dis que les seigneurs se trouvaient placés dans de hautes positions, les plus avantageuses pour pressurer et opprimer leurs censitaires; ces seigneurs étaient juges, conseillers exécutifs, conseillers législatifs, même députés à la chambre d'assemblée, et pouvaient à volonté étouffer la voix du peuple se plaignant de l'oppression et de la tyrannie qui l'accablait; le censitaire n'osait se plaindre et se révolter contre ce système de chose: car il faut se rappeler que le cultivateur avait été accoutumé à une obéissance passive sous le régime partie civil et partie militaire pour près d'un siècle et demi sous le gouvernement français. Mais si les seigneurs, depuis 1603, perdirent par degrés leur influence politique, en revanche ils usurpèrent autant qu'ils purent des droits et privilèges vexatoires, et ils seraient même très-disposés à former une aristocratie qui dévorerait le pays, comme celle du 17^e siècle le fit en France, et à qui le peuple français a fait

justice en fesant main basse sur cette classe nuisible et tyrannique; mais il faut espérer qu'ici aussi le réveil du bon peuple canadien est sonné, qu'il va se dépouiller de ce vieux régime féodal et de ses attributs. C'est ma conviction que le seigneur, depuis que nous sommes sujets anglais, n'a plus droit aux lods et ventes et au droit de retrait.

Une autre preuve que les seigneurs ont usurpé des droits qu'ils ne leur appartenaient pas, c'est l'appropriation des cours d'eau, empêchant et retardant la construction et le progrès des manufactures, encouragés sur ce point par le gouvernement anglais qui a, dans une dépêche, enjoint à sir George Prévost d'empêcher l'établissement de manufacture. Il est bien prouvé que les seigneurs n'ont pas droit à ces cours d'eau, et cependant ils ne veulent concéder ces cours d'eau sans une grande redevance. Les seigneurs pillent les terres de leurs censitaires en enlevant le bois de commerce, et vendant même le bois sur les terres non concédées, coupant les terres, creusant des fossés pour conduire l'eau à leurs moulins, et ce, contre les édits et ordonnances; cette usurpation est aussi injuste que le prétendu privilège des lods et ventes et du droit de retrait; ces seigneurs, pour se disculper, invoquent les coutumes que suivait, dans les 16^e et 17^e siècles, la France gémissant sous un système vicieux de féodalité dont elle s'est débarrassée par une secousse violente; cette secousse pourrait bien avoir lieu dans ce pays si la législature ne venait pas au secours des censitaires opprimés.

Il y a, M. l'orateur, une clause dans le bill que j'ai trouvée un tant soit peu singulière; il ne s'agirait de rien moins que d'indemniser les seigneurs! c'est-à-dire ce serait légaliser leurs actions et approuver que le surplus qu'ils ont réclamés [sic] des censitaires est juste et légal. En vérité si le censitaire demandait au seigneur une juste et équitable restitution de tout ce que ce dernier a prélevé sur lui, sans un droit légitime, je crois qu'il ne demanderait qu'un acte d'équité. Mais le peuple, toujours bon et paisible quand il n'est pas induit en erreur, comprend que la suite des temps a pu laisser passer sous silence certains abus, certaines exactions; et que celui qui payait, croyait payer ce qui était dû, comme celui qui percevait recevait ce qu'il croyait aussi lui être dû. Il peut se faire que, dans tous les cas, il n'y eut pas d'injustice et de fraude préméditée [sic] de la part des seigneurs, mais le censitaire ne doit pas en souffrir, il est bien disposé à laisser le passé dans l'oubli; mais il veut qu'il lui soit fait justice, qu'il ne soit plus la victime de semblables abus. J'entends des voix qui crient "à l'injustice, à la spoliation;" nous, députés du peuple, du peuple souffrant, nous ne sommes ni des voleurs, ni des spoliateurs; nous, envoyés du peuple qui se plaint d'amères griefs, nous voulons rendre justice à qui de droit, et au riche seigneur et au pauvre censitaire; nous voulons anéantir les abus, les oppressions, les vexations et la tyrannie dont le censitaire, qui n'a que la voix de ses délégués pour le défendre, est la malheureuse victime. Nous serons aussi bientôt appelés à demander justice pour cette immense population des townships de l'Est contre les grands propriétaires qui suivent l'exemple de certains seigneurs dont on se plaint.

Je puis dire, M. l'orateur, que si la législature ne veut pas rendre justice au peuple, qui la lui demande depuis plus d'un demi-siècle; si elle retarde de se rendre aux réclamations de ce peuple, il pourrait arriver que, fatigué, et lassé, dans un temps indéterminé, qu'il se ferait justice lui-même.

Je suis disposé à voter pour la seconde lecture de ce bill, ayant confiance dans les amendements que subiront plusieurs clauses; car le bill, tel qu'il est, a encore trop de latitude.⁹⁴

MR. GAMBLE after some general remarks on the tenure, contended in favour of a forced system of commutation. He held that it was of the first importance to the country to get rid of the Seigniorial tenure. He objected to the bill because it did not accomplish this object. He also objected to taking the public money to pay or indemnify the seigniors. The principle was wrong. After making some remarks on the arret of Marly, he cautioned the Attorney General to beware of spoliation of the seigniors⁹⁵ et de ne point fouler aux pieds les décisions des cours de justice.⁹⁶

MR. AT. GEN. DRUMMOND said that having abstained in his opening remarks from entering into the details of the bill before the House, confining himself as he had done to a general outline of the laws applicable to the tenure, of the abuses which had crept into it and the means by which he proposed to check these abuses, and gradually to do away with the tenure, he would not, now that he perceived the House was about to offer no opposition to the second reading abuse its patience by replying to the arguments which had been used against some of the provisions of the Bill. He could not however remain silent when notwithstanding those clauses of the Bill by which ample provision had been made to indemnify the seigniors for anything they might lose, and notwithstanding the greatest caution had been used in drafting the Bill so as to avoid anything that could have the slightest semblance of placing the Legislature in collision with the tribunals of the country, he heard an honorable gentlemen [sic] characterize the Bill as a measure of spoliation--as one which had a tendency to trample upon the decisions of all the Courts of Justice; but he could well afford to smile at such miserable attacks, not only because those who made them proved in doing so that they had not taken the trouble of reading the measure which they so wantonly assailed, but also because although that bill had been before the country for some six months⁹⁷ no well founded argument against the general principles on which it was founded has yet been adduced, and because it had met with the general approbation of the inhabitants of the country. If it were a measure of spoliation, or if its tendency were to trample upon or to cast obloquy upon any legal tribunals, it was not very likely that the measure would be approved of by any of the Judges who preside over these tribunals; yet having given orders to transmit copies of this Bill to all the Judges of the Superior Courts, he (Mr. D.) had the honour to received [sic] from one of them a letter expressing his entire approbation of that principle upon which it proceeded. The learned gentleman, who was admitted to be one of the ablest Judges, after having devoted to these [sic] examination of the Bill that close and conscientious attention which he bestows on every subject which he conceives it his duty. They could not legislate in advance of the public opinion of Lower Canada. If they went beyond that they would do wrong. The bill will provide that when a majority of a parish desire a general commutation in that parish, they can have it. The process is simple: two thirds or if the House prefer it, a majority have only to petition the Governor, and after that fact is ascertained the thing is done at once after a notice in the official Gazette. He believed that it would be better to leave the people that much option. Another honorable Judge who has devoted much attention to Seigniorial questions stated some days since to the Hon. member of Essex that he considered the Government scheme as the best plan which had been proposed for settling the very difficult questions. He mentioned these facts not through any feeling of vanity but solely for the sake of the Government to which he had the honor to belong--for the success of the measure and to repel a most unfounded accusation. He had listened to the hon. member for Montreal (Mr. Badgley) with much interest. That hon. Gentleman had treated the question with

ability, and had brought learning to enlighten his remarks. He always listened to that hon. Gentleman with pleasure, even when indulging in subtilties which would not stand the test of investigation. Notwithstanding an evident reluctance to give his assent to the principles of the Bill, that hon. member nearly agreed with him (Mr. D.). Only he said the bill did not go far enough, but wanted a general commutation. Now, the bill before the House laid the foundation for a complete change of the tenure. And the question was: should that House complete the edifice, or leave the people of the country to lay the last stone themselves. Some of them might say they did not wish to pay that portion of the commutation money which is to represent the mutation fines when they were going to leave their property to their descendant. And it would be unjust to compel that portion of the censitaires to pay for the mutation fines created by land jobbers. But if the House should determine to adopt a general system of commutation that might be effected by the insertion of a single clause in the bill before the House; but he called upon hon. gentlemen to pause, and think well before adopting a step so important. He thought they had better leave the bill as it was. But he would think more over the matter, by the time an amendment were moved in committee.⁹⁸

(658)

And the Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Macdonald, seconded by Mr. Malloch, The House adjourned.

[WITHDRAWN MOTION RE: RIDEAU CANAL PAPERS.]⁹⁹

MR. MACKENZIE moved that an humble address be presented to his Excellency for a statement of receipts and expenditure on the Rideau Canal for the year 1851: for gross receipts and expenditure of the Indian Department, and for certain other returns relative to railways for the years 1849, 1850, and 1851. In making this motion he stated that it was very desirable the House should be placed in possession of this information, but his impression was, that although the Government were in a position to give it, he had a strong suspicion that they would withhold doing so, in conformity with that system which they had long followed.¹⁰⁰

MR. INSP. GEN. HINCKS.--The hon. member for Haldimand wanted to persuade the House that a kind of feeling existed on the part of the Executive Government not to give this information, but he (Mr. H.) would assure the House that they were not in possession of the desired returns, and had no means of furnishing them. He did not understand the advisability of the presentation of the address. In fact, he had no reason to suppose that the Government cared whether they had or not the means of informing; but he believed that full information with regard to the state of the Rideau Canal would very soon be within the reach of the Provincial Government, and would be placed before the House accordingly--that was all very well, but hon. gentlemen could not call upon his Excellency to give that information at the then moment: it was preposterous. He, for his own part, knew no more about the matters alluded to than the hon. member for Haldimand, and had no better means of acquiring that knowledge; but he was well convinced of one fact, that he, as well as other members, were equally desirous with the hon. member for Haldimand, of obtaining information in regard to those matters which were of great interest to the country, but he thought the time would come, when, without putting forward the proposed address, the desired information would be received from the Imperial Government, who had determined to abandon any further interference with the Rideau Canal.¹⁰¹

MR. BROWN looked upon the Rideau Canal, as a work of very great importance to the section of country through which it passed--and it was absolutely necessary for its general interests, that the Legislature should be in possession of all information in regard to the management of the work. There could be no harm in making an application to the Imperial officers for the returns desired, and he was well convinced there was no danger of a refusal. He thought a letter from the Clerk of the House would obtain all that was desired--but the member for Haldimand thinks, that, coming from the Government, it would be obtained with greater facility, and he thought this address should be granted.¹⁰²

MR. MACKENZIE wanted to know what had become of the money raised upon the Rideau Canal? He did not see why the Imperial Government should withhold giving the information--it showed that there was something not right about it.¹⁰³

MR. H. SMITH (of Frontenac,) thought that the honourable member for Haldimand, wished to place them in a wrong light. An independent member of the House gets up and moves for certain information--the leader of the Government says: "we have not got it in our power to give this information."¹⁰⁴

MR. BROWN: The leader of the Government said, they might get it if they

liked, and intimated also, that the Government were not anxious about it, because they did not believe that the members of the House were desirous to have it.¹⁰⁵

MR. INSP. GEN. HINCKS wished to correct those statements. He had stated that he believed the Imperial Government had no object in concealing any information upon the subject.¹⁰⁶

MR. H. SMITH (Frontenac) had made up his mind to vote against the address, not on account of the reasons set forth by the hon. member for Haldimand, but he thought that the hon. gentleman had gone the wrong way to obtain the desired end, although he would say he must give to that gentleman great credit for having brought forward the matter. The hon. Inspector General had intimated that the Government had no control over the Rideau Canal. If that hon. gentleman was of such opinion, he did not blame him for refusing the address. It was certainly very desirable to obtain a statement showing the amount of revenue derived from the Rideau Canal, and the outgoing expenses, and upon that ground alone the consideration would be useful¹⁰⁷, because if the Imperial government were willing to get rid of the work the Provincial government ought to know all about its value¹⁰⁸. It was well known that that canal possessed a most singular influence over the country, and the House would hardly believe him when he told them that the Crown Lands Department, in answer to applicants, had refused to grant¹⁰⁹ lands near the canal, though such lands were far above the summit of it¹¹⁰ for fear it might interfere with the waters of the Rideau Canal. The hon. member for Haldimand, however, had placed hon. members in a false position, by saying that they were averse to giving information. He should, in his (Mr. Smith's) opinion, withdraw the motion, and the Clerk of the House should be requested to confer with the Home Government. (Cries of no, no!)¹¹¹

MR. MACKENZIE held that the Home Government ought to give to that House all information with regard to the revenue derived from property in this country. Information was kept from them, year to year, by reason of the Government not doing what was right.¹¹²

MR. H. SMITH (Frontenac) went on to say that he protested against the hon. member for Haldimand saying that he (Mr. S.) was averse to information. He had only endeavoured to point out the most correct way of getting it, and when hon. members found the minister at the head of the Government there, stating that he had no control over the matter, and after what had then passed, the matter should be withdrawn.¹¹³

MR. MERRITT had not heard the precise object of the motion stated, and in fact, as far as he had been able to see, no attempt whatever had been made to enlighten the House on the subject. The Rideau Canal had been constructed by the Home Government, and not one farthing of money from the Province had been expended on it; and yet the hon. member for Frontenac had intimated they had a control over it. Why, what had the Imperial Government done? They had purchased from individuals here, land, upon which they constructed that Canal, and what did they want? Was there a man in the country who had [a] complaint to make against that? Had the country not the benefit of it as a public work?¹¹⁴

MR. MACKENZIE.--There had been very great mistakes made as to the way in which the Canal was managed.¹¹⁵

MR. MERRITT had never heard a complaint in Canada made. The Government of this Province had nothing to do with the work whatever, and had no control

over it. What was the Home Government then doing? Calling upon them to take the matter off their hands; but the hon. member did not want that to take place. He did not want to interfere with the Home Government, when what they were doing was for the benefit of a local object. Were they prepared to take up the work?¹¹⁶

MR. BROWN said they wanted to have full information so that they might judge of the value of the works.¹¹⁷

MR. MERRITT was convinced the information they were asking would do them harm.¹¹⁸

MR. BROWN.--How?¹¹⁹

MR. MERRITT did not want to interfere with the Home government in their expenditure of money on a work which he saw the Chancellor of the Exchequer had this year refused to grant supplies to maintain. He did not want to know anything about it; but rather to let the thing alone entirely. If we made this enquiry the Imperial government would think we were anxious to buy the canal.¹²⁰ Supposing they were to turn round and say they might have it, were they (he would ask) prepared to take so many thousand pounds a year out of the consolidated fund to keep up that Rideau Canal. He thought they had better not seek for the information. If any individual whatever had complained of injury, or the public of loss, then he would be prepared to admit some case was made out.¹²¹

MR. MACKENZIE said that there was a bill then before the House in regard to certain loss.¹²²

MR. MERRITT.--That, as a matter of claim, had nothing to do with the Provincial Government. He was very jealous of having anything to do with canals, and the less, in his opinion, said about the matter, the better.¹²³

Motion withdrawn; to be replaced by an address to the Crown.¹²⁴

[POSTPONED MOTION RE: MEDALS FOR 1812 MILITIAMEN.]¹²⁵

MR. MERRITT then moved that that part of the Message of His Excellency the Governor General, of the 14th of February last, communicating the reply of the Imperial Government to the joint address of both Houses of the Provincial Parliament, praying that Medals may be conferred upon the survivors of the Canadian Militia, who were present at the various engagements during the late War with the United States, which are not enumerated in the general order of the 1st June, 1847,¹²⁶ be read, with a view to refer the same to a select committee. He said that his present object was, as no mark of Royal favour could be given in this case, to attempt to get some Provincial distinctions.¹²⁷ He very much doubted whether he should ever present any more addresses to Great Britain. (Hear! hear!) They had not been very successful in those addresses which the House had already submitted, and he thought it advisable for them to rely upon themselves in some matters, and do the best they could, and they ought amongst themselves to take into consideration, (as regarded that resolution he had just read), whether they could not do justice where it was due, without invoking the aid of the Imperial Government.¹²⁸

MR. INSP. GEN. HINCKS thought then as he did on the occasion of the address having been moved for, at the commencement of the session, that it was unreasonable because the hon. member who moved it, knew, as well as himself, that there were certain rules in existence which were strictly carried out by the Imperial Government, and they could not be departed from. It was well known

how they were pressed to give medals, and it was of no avail importuning them on this matter, in relation to giving medals to the survivors of the Canadian militia when, according to the existing rules, the Imperial Government could not grant them.¹²⁹ He had no doubt said, when the motion was made to apply to England, that¹³⁰ if the Government here entertained the idea that the Imperial Government could not give the medals according to the prayer of the address, the Provincial Government in that case should do so,¹³¹ but he had not in saying this at all pledged the government to adopt such a course. Like all motions which involved the expenditure of public money, this should originate with the government. It must be seen, however, that¹³² the proposition of an appropriation being made by the Government, to give medals to persons engaged in the late war, and who would not be entitled to receive them under the old regulations,¹³³ involved considerable responsibility, and¹³⁴ was a matter which required some consideration, and he would therefore ask the hon. member to postpone the measure for one week.¹³⁵

MR. MERRITT assented.¹³⁶

Motion postponed.¹³⁷

FOOTNOTES: 30 MARCH 1853.

1. Mr. Rose's remarks introducing this bill were reported in identical accounts by the following papers: MORNING CHRONICLE, 4 April 1853 (which misdated its account as 31 March 1853), HAMILTON SPECTATOR DAILY, 12 April 1853 (which copied from MORNING CHRONICLE), HAMILTON SPECTATOR SEMI-WEEKLY, 13 April 1853 (which copied from MORNING CHRONICLE), and HAMILTON SPECTATOR WEEKLY, 14 April 1853 (which copied from MORNING CHRONICLE).
2. MORNING CHRONICLE, 4 April 1853.
3. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 4 April 1853 (which misdated its account as 31 March 1853), and PILOT, 9 April 1853. The following papers reported the debate in partially identical accounts: GLOBE, 9 April 1853, HAMILTON SPECTATOR DAILY, 12 April 1853, NORTH AMERICAN SEMI-WEEKLY, 12 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 13 April 1853, HAMILTON SPECTATOR WEEKLY, 14 April 1853, and NORTH AMERICAN WEEKLY, 14 April 1853.
4. GLOBE, 9 April 1853.
5. MORNING CHRONICLE, 4 April 1853.
6. GLOBE, 9 April 1853.
7. MORNING CHRONICLE, 4 April 1853.
8. GLOBE, 9 April 1853.
9. IBID.
10. IBID.
11. IBID.
12. MORNING CHRONICLE, 4 April 1853, reported in error that Mr. Mackenzie's motion for an address for this purpose was lost.
13. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 4 April 1853 (which misdated its account as 31 March 1853), BRITISH COLONIST, 8 April 1853, PILOT, 9 April 1853, HAMILTON SPECTATOR DAILY, 12 April 1853 (which copied from MORNING CHRONICLE), HAMILTON SPECTATOR SEMI-WEEKLY, 13 April 1853 (which copied from MORNING CHRONICLE), and HAMILTON SPECTATOR WEEKLY, 14 April 1853 (which copied from MORNING CHRONICLE); GLOBE, 9 April 1853, NORTH AMERICAN SEMI-WEEKLY, 12 April 1853, and NORTH AMERICAN WEEKLY, 14 April 1853.
14. GLOBE, 9 April 1853.
15. MORNING CHRONICLE, 4 April 1853.
16. GLOBE, 9 April 1853.
17. MORNING CHRONICLE, 4 April 1853.
18. GLOBE, 9 April 1853.
19. MORNING CHRONICLE, 4 April 1853.
20. GLOBE, 9 April 1853.
21. MORNING CHRONICLE, 4 April 1853.
22. GLOBE, 9 April 1853.
23. MORNING CHRONICLE, 4 April 1853. BRITISH COLONIST, 8 April 1853: "twenty."
24. MORNING CHRONICLE, 4 April 1853.
25. GLOBE, 9 April 1853.
26. MORNING CHRONICLE, 4 April 1853.
27. GLOBE, 9 April 1853.
28. MORNING CHRONICLE, 4 April 1853.
29. GLOBE, 9 April 1853.
30. MORNING CHRONICLE, 4 April 1853.

31. GLOBE, 9 April 1853.
32. MORNING CHRONICLE, 4 April 1853.
33. GLOBE, 9 April 1853.
34. IBID.
35. IBID.
36. MORNING CHRONICLE, 4 April 1853.
37. GLOBE, 9 April 1853.
38. MORNING CHRONICLE, 4 April 1853.
39. GLOBE, 9 April 1853.
40. MORNING CHRONICLE, 4 April 1853.
41. GLOBE, 9 April 1853.
42. MORNING CHRONICLE, 4 April 1853.
43. GLOBE, 9 April 1853.
44. IBID.
45. MORNING CHRONICLE, 4 April 1853.
46. GLOBE, 9 April 1853.
47. MORNING CHRONICLE, 4 April 1853.
48. GLOBE, 9 April 1853.
49. BRITISH COLONIST, 8 April 1853.
50. GLOBE, 9 April 1853.
51. IBID.
52. IBID.
53. MORNING CHRONICLE, 4 April 1853.
54. GLOBE, 9 April 1853.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. MORNING CHRONICLE, 4 April 1853.
60. GLOBE, 9 April 1853.
61. MORNING CHRONICLE, 4 April 1853.
62. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 4 April 1853 (which misdated its account as 31 March 1853), BRITISH COLONIST, 8 April 1853, MONTREAL GAZETTE, 8 April 1853, PILOT, 9 April 1853, HAMILTON SPECTATOR DAILY, 12 April 1853 (which copied from MORNING CHRONICLE), HAMILTON SPECTATOR SEMI-WEEKLY, 13 April 1853 (which copied from MORNING CHRONICLE), and HAMILTON SPECTATOR WEEKLY, 14 April 1853 (which copied from MORNING CHRONICLE); GLOBE, 9 April 1853, NORTH AMERICAN SEMI-WEEKLY, 12 April 1853, BRITISH WHIG, 14 April 1853, and NORTH AMERICAN WEEKLY, 14 April 1853.
63. GLOBE, 9 April 1853.
64. IBID.
65. BRITISH COLONIST, 8 April 1853.
66. GLOBE, 9 April 1853.
67. IBID.
68. IBID.
69. IBID.
70. MORNING CHRONICLE, 4 April 1853.
71. GLOBE, 9 April 1853.
72. MORNING CHRONICLE, 4 April 1853.
73. GLOBE, 9 April 1853.
74. MORNING CHRONICLE, 4 April 1853.
75. IBID.
76. GLOBE, 9 April 1853.

77. MORNING CHRONICLE, 4 April 1853.
78. GLOBE, 9 April 1853.
79. IBID.
80. HAMILTON SPECTATOR DAILY, 1 April 1853. The following papers noted this motion in identical accounts: HAMILTON SPECTATOR DAILY, 1 April 1853, NORTH AMERICAN SEMI-WEEKLY, 1 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, GLOBE, 2 April 1853, and LA MINERVE, 2 April 1853.
81. The debate on this matter was reported by MORNING CHRONICLE, 18 April 1853. The following papers noted the debate in partially identical accounts: HAMILTON SPECTATOR DAILY, 1 April 1853, NORTH AMERICAN SEMI-WEEKLY, 1 April 1853, GLOBE, 2 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, and LA MINERVE, 2 April 1853. The debate was also noted by BRITISH COLONIST, 8 April 1853. Mr. Brown's speech in the debate was reported by GLOBE, 14 April 1853.
A pamphlet, Débats dans l'assemblée législative sur la tenure seigneuriale (Québec: E.R. Fréchette, 1853), has also been used in the reconstruction of this debate. For an account of it, see footnote 1 to 22 March 1853. Except for the speech of Dr. Fortier, its account of this day's debate is mostly translated from the MORNING CHRONICLE, 18 April 1853.
82. PAMPHLET.
83. MORNING CHRONICLE, 18 April 1853.
84. GLOBE, 14 April 1853.
85. MORNING CHRONICLE, 18 April 1853. HAMILTON SPECTATOR DAILY, 1 April 1853, reported that "Mr. Badgley spoke about two hours."
86. GLOBE, 14 April 1853.
87. MORNING CHRONICLE, 18 April 1853.
88. GLOBE, 14 April 1853.
89. IBID.
90. IBID.
91. MORNING CHRONICLE, 18 April 1853, which reads, "Pattiatoes ... but a pattiatoe [*sic*]...." Words in square brackets supplied from Sir William Blackstone, Commentaries, Vol. II, page 76.
92. MORNING CHRONICLE, 18 April 1853.
93. MORNING CHRONICLE, 18 April 1853, which added, "but we are obliged to omit the disquisition in consequence of the extreme length of these debates."
94. PAMPHLET.
95. MORNING CHRONICLE, 18 April 1853.
96. PAMPHLET.
97. MORNING CHRONICLE, 18 April 1853. LA MINERVE, 7 April 1853, has, "plus de deux mois."
98. MORNING CHRONICLE, 18 April 1853.
99. The following papers reported the debate on this Withdrawn Motion in identical accounts: MORNING CHRONICLE, 4 April 1853 (which misdated its account as 31 March 1853), and PILOT, 9 April 1853; GLOBE, 9 April 1853, NORTH AMERICAN SEMI-WEEKLY, 12 April 1853, and NORTH AMERICAN WEEKLY, 14 April 1853. The following papers noted the debate in identical accounts: GLOBE, 31 March 1853, and HAMILTON SPECTATOR DAILY, 31 March 1853.
100. GLOBE, 9 April 1853.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. IBID.

107. IBID.
108. MORNING CHRONICLE, 4 April 1853.
109. GLOBE, 9 April 1853.
110. MORNING CHRONICLE, 4 April 1853.
111. GLOBE, 9 April 1853.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. MORNING CHRONICLE, 4 April 1853.
121. GLOBE, 9 April 1853.
122. IBID.
123. IBID.
124. IBID.
125. The following papers reported the exchange on this Postponed Motion in identical accounts: MORNING CHRONICLE, 4 April 1853 (which misdated its account as 31 March 1853), HAMILTON SPECTATOR DAILY, 12 April 1853 (which copied from MORNING CHRONICLE), HAMILTON SPECTATOR SEMI-WEEKLY, 13 April 1853 (which copied from MORNING CHRONICLE), and HAMILTON SPECTATOR WEEKLY, 14 April 1853 (which copied from MORNING CHRONICLE). The exchange was also reported by GLOBE, 9 April 1853. The following papers noted the exchange in partially identical accounts: GLOBE, 31 March 1853, and HAMILTON SPECTATOR DAILY, 31 March 1853.
126. MORNING CHRONICLE, 4 April 1853. GLOBE, 9 April 1853, has "1st June, 1837."
127. MORNING CHRONICLE, 4 April 1853.
128. GLOBE, 9 April 1853.
129. IBID.
130. MORNING CHRONICLE, 4 April 1853.
131. GLOBE, 9 April 1853.
132. MORNING CHRONICLE, 4 April 1853.
133. GLOBE, 9 April 1853.
134. MORNING CHRONICLE, 4 April 1853.
135. GLOBE, 9 April 1853.
136. MORNING CHRONICLE, 4 April 1853.
137. IBID.

THURSDAY, 31 MARCH 1853.

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THE following Petition was brought up, and laid on the table:--

By Mr. Turcotte,--The Petition of the Reverend J.H. Sirois and others, of the Parish of St. Barnabé, County of St. Maurice.

Pursuant to the Order of the day, the following Petitions were read:--

Of Thomas Lunn and others, of the Township of Sydenham; of William Watt, Reeve, and others, of the Township of Normanby, County of Grey; of the Municipality of the Township of Nicol; and of the Municipality of the Town of Guelph; praying for the passing of an Act to authorize the construction of a Railway from Guelph to Owen Sound, as a continuation of the Toronto and Guelph Railway or otherwise.

Of William Clarke, Warden of the United Counties of Wellington and Grey; praying for the passing of an Act to authorize the construction of a Railway from Guelph to Owen Sound, and that no point other than Guelph aforesaid may be made the terminus thereof.

Of the Municipal Council of the United Counties of Prescott and Russell; praying that the Bill providing for the recovery of Taxes imposed by By-Laws of

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the late District Councils may be made to provide for the collection of rates imposed and in arrear for the years 1851 and 1852.

Of George K. Smith, of Lake Superior; praying for an Act of Incorporation to enable him and his associates to work the Mineral region on the coasts of Lakes Superior and Huron.

Of F.B. Beddome and others, of the Town of London; praying that the application for an Act to reduce the width of certain Streets in the new survey of the said Town may not be granted.

Of A.G. Charlebois, Esquire, and others, of the Parish of Rigaud, County of Vaudreuil; praying that the provisions of the Act to establish a Consolidated Municipal Loan Fund for Upper Canada, may be extended to Lower Canada.

Of C.S. Cherrier, Esquire, and others, Roman Catholic Citizens of the City of Montreal; praying that the Roman Catholic minority of Upper Canada may enjoy the same rights with regard to separate Common Schools as are enjoyed by the Protestant minority of Lower Canada, in the same respect.

Of Colin C. Ferrie, Esquire, and others, of the City of Hamilton; praying that the Act to vest in the Corporation of the said City the Gore of King Street, for public purposes, may be so amended as to restrict the said Corporation to enclosing and ornamenting the said Gore, and to prevent the erection of building thereon.

Of George S. Tiffany and George J. Grange; praying for the passing of an Act to authorize the establishment of a College at the City of Hamilton.

Of W. B. Jarvis, Esquire, Sheriff of the United Counties of York, Ontario, and Peel; praying for certain amendments to the Law respecting the sale of Lands for taxes.

Of the Municipality of the Township of Thorah; praying for the passing of an Act to separate the said Township from the County of Ontario, and attach it to the County of York, without being subject to the debt incurred by the said County of Ontario.

Of Thomas D. Harris and others; praying for the passing of an Act to incorporate them under the name of "The Toronto Royal Hotel Company."

Of Joseph Simmons and others, proprietors of farms situate at Rivière St. Pierre and Lower Lachine, County of Montreal; praying that the Corporation of the City of Montreal may be authorized to borrow money, and construct Water Works therewith for the use of the said City, under certain restrictions and obligations.

Of J.L. Pagé and others, Navigators and others, of the Parish of Deschambault; and of N. Portelance and others, Navigators and others, of the Parish of St. Charles des Grondines; praying that no tax or rate, as proposed by a Bill before the House, may be levied on Vessels drawing less than eleven feet [of] water for passing through Lake St. Peter.

Of the Municipal Council of the County of Hastings; praying that the Consolidated Municipal Loan Fund Act may be so amended as to make it applicable to local improvements or the payment of their debts by Municipalities.

Ordered, That the Petition of John Walker and others, of the Township of Holland, Owen Sound, County of Grey; the Petition of Christopher Armstrong and others, of the Township of Egremont, County of Grey; the Petition of William Clarke, Warden of the United Counties of Wellington and Grey; the Petition of the Municipality of the Town of Guelph; the Petition of the Municipality of the Township of Nicol; the Petition of Thomas Lunn and others, of the Township of Sydenham; and the Petition of William Watt, Reeve, and others, of the Township of Normanby, County of Grey, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the Petition of W.B. Jarvis, Esquire, Sheriff of the United Counties of York, Ontario, and Peel, be referred to the Select Committee appointed to enquire into and report upon the operation of the Assessment Laws.

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Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Eighteenth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to increase the Capital Stock of the Great Western Railroad Company, and to alter the name of the said Company, and have agreed to several amendments thereto, which they recommend to the favorable consideration of Your Honorable House; As also the Bill to incorporate the Bytown and Pembroke Railway Company, and have also made several amendments to the same, which they humbly submit for the adoption of Your Honorable House.

Ordered, That the Bill to incorporate the Bytown and Pembroke Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Seymour reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Seymour reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the Bill to increase the Capital Stock of the Great Western Railroad Company, and to alter the name of the said Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee;¹

MR. BROWN ... [took] the chair.²

MR. BROWN objected to some of the clauses of the bill as conferring too arbitrary a power on the company, saying that in the case of the town of Windsor, the railroad would cut off the whole frontage of the town.³

The objections were, however, overruled⁴.

MR. MERRITT moved an amendment incorporating a Company, to make a line from Port Dalhousie, to communicate with the Great Western line⁵.

[The motion] was lost after a long discussion⁶.

The different clauses of the bill were adopted with a few amendments.⁷

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Brown reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Brown reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the Bill to incorporate the Megantic Junction Railway and Canal Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Mackenzie reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

MR. BROWN⁸ rose to move the House into committee of the whole on certain resolutions in regard to the best season of the year for the annual assembling of Parliament. The hon. member said that in the former part of the session he had introduced a bill to fix a particular day for the annual meeting of the legislature, and that a strong feeling had been manifested by the House in favour of the principle of the measure. The Inspector General opposed proceeding [*sic*] by bill as an infringement on the Royal prerogative, but he declared that if an address to the Governor General were adopted by the House, naming a day convenient for the members and praying his Excellency to have reference to it, in the exercise of his undoubted prerogative--no objection would be offered by Government. He (Mr. Brown) had thereupon withdrawn his bill and given notice of the resolution he was now about to move. For his part he was not wedded to any particular mode of procedure--the great object was to effect the highly desirable end that the period of each year at which Parliament might be expected to assemble should be known. The system heretofore has been absurdly variable--in ten years, Parliament has commenced its sittings in eight different months, (hear, hear,) causing no little inconvenience and injury to public and private interests. It commenced:--

In 1843, on 28th September.

In 1844, on 28th November.

In 1845, no Session.

In 1846, on 20th March.

In 1847, on 2nd June.

In 1848, on 25th February.

In 1849, on 18th January.

In 1850, on 14th May.

In 1851, on 20th May.

In 1852, on 19th August.

It was quite absurd that Parliament should be left to be called at any time the Government may think proper to choose,⁹ often the most inconvenient to the country and¹⁰ just when it happens to suite [*sic*] their own convenience. It had been said that it was not according to British practice to fix the time for the meeting of Parliament: but the reason was, that in England they have always followed one rule, Parliament being invariably called together about the first of February. He (Mr. Brown) had gone over the Journals of the English Parliament, to find the days on which it had assembled, and he found that it met,

In 1843, on 2nd February.

In 1844, on 1st February.

In 1845, on 4th February.

In 1846, on 22nd January.

In 1847, on 19th January.

In 1848, on 3rd February.

In 1849, on 1st February.

In 1850, on 31st January.

In 1851, on 4th February.

In 1852, on 3rd February.

There was no occasion to fix the meeting by bill, when without a bill it was thus regular.¹¹ He thought it best in this to follow the example of the United States¹². In all the States a special day was fixed, and found most conducive to the public advantage, and he could not see why the same plan might not be advantageously adopted here. Having spoken at length in the former part of the session in favour of the measure, he would confine himself to these few remarks, and now moved the House into Committee of the whole.¹³

MR. MACKENZIE seconded the motion.¹⁴

Some hon. members said that these resolutions should have been printed, and that the course proposed would infringe on the Royal prerogative.¹⁵

MR. BROWN.--The only object desired, is to fix a certain time, and it is quite immaterial how it is effected. I think that it ought to be fixed by Act of Parliament, but as the railway system when it comes into operation will make a great deal of difference in the means of communication, it will, perhaps be better now merely to pass resolutions on which to found an address to the Governor General, conveying the feelings of the House in regard to the most convenient season for our assembling. (Mr. Brown here read the resolutions he proposed moving when the house went into committee.)¹⁶ His object was merely to move that it is convenient to fix a day for the assembling of Parliament, and then to move several to fix the day in month after month, till the period approved by the majority was arrived at.¹⁷

MR. INSP. GEN. HINCKS objected altogether to fixing any day, as it was an interference with the royal prerogative. The Government, he said, have always been willing to meet the views of the House but in a different way altogether to that proposed. If the House addressed the Governor General as to the day on which they wished the House to meet, their wish would doubtless be agreed to. Very wide difference of opinion has been entertained as to the time at which the House should meet, owing partly to the state of communication, but there is very little difference of opinion as to the most convenient time which would be in the early part of the year, but at that time the roads are very bad. That diffi-

culty will, however, be obviated by the railroads. If this House express their opinion that any particular time would be preferable for their meeting it would be agreed to, and it seemed to him that the whole object would be gained by an address.¹⁸

MR. ROBINSON said that it would be as much as interference with the prerogative of the crown to adopt an address as to pass resolutions. If the Inspector General carried his bill for the extension of the franchise it would then be necessary to fix the time for the meeting of Parliament, because the time of holding the elections must depend upon the assessment rolls.¹⁹ If a time were fixed, the public accounts, &c., would all be ready for the occasion.²⁰ He had no objection that the time of holding the sessions should be fixed by bill, and also that the time of holding the general elections should be fixed, and that neither the House should be called together nor the elections held just when it might happen best to suit the ideas of the Government. Of course, in so doing, it should be understood that the crown should have power to call the Parliament together if circumstances occurred rendering such a course absolutely necessary. The convenience of the public should be consulted as well as that of the Government.²¹

MR. CARTIER was opposed to having any day fixed, no matter on what way it was to be adopted.²² The House ought not to lose sight of the fact, when the United States was quoted, that²³ in some of the States ... there is already a reaction against the system of having fixed periods for the meeting of the Legislature, as it was found that it only tended to increase their length--to the benefit of those who made their living by politics, and he did not wish to see the same state of things in this country.²⁴ Now the House had been in session seven months, and he thought it would be quite unnecessary to meet again in five months. He thought it better to allow the British system to continue, under which²⁵ a long time might elapse between one session and another, even a whole year, and what made a great difference in England--there was no compensation for members.²⁶ The expenses were therefore comparatively small; but here, with double the number of members under the new²⁷ Representation Bill, which he trusted would pass the Upper House, there would be much more discussion than there is at present²⁸ [and] the expenses would be very heavy, for the session would usually last at least four months. It appeared at least from the statement of the times of calling Parliament together, made by the hon. member for Kent, that in ten years there had been at least, one year without a session. He thought that a great thing saved for the country.²⁹ They should guard against too much legislation, they had already had in this year nearly 7 months session, and he thought that one session in each year or even one session in two years should be sufficient, and he was opposed to having a fixed day for the meeting of Parliament, as he thought it would tend to prolong discussion.³⁰

MR. PROV. SEC. MORIN ... [said] some words³¹.

SIR A. MACNAB would have no objection to fixing the time for the assembling of Parliament, and believed it would be for the benefit of the country to do so.³² Without desiring to interfere with the prerogative of the crown, [he] would like the House to express its opinion in favour of meeting in January, which he thought the most convenient time³³ because there is generally sleighing in that month, and it would generally take till April to get through the business of the session, when the opening of the navigation would enable them to get back to their homes.³⁴

MR. MACKENZIE thought that the month of January would be the best time of the year for Parliament to meet. The hon. member for Verchères (Mr. Cartier)

had spoken of the States, but the duties of this House are very different from those of the State Legislatures.³⁵ He endeavoured to show that in Canada there was, with little exception, as much work for the Parliament, as in England, and unless the executive was to do as it pleased, it would be impossible to do without an annual meeting of Parliament. Next year the Richmond Railway would be finished and then there would be no difficulty about getting down to Quebec or elsewhere at any time of the year. He hoped the House would agree to this.³⁶ He thought that only by an address the object could be obtained. He objected very much to the time at which the House had been assembled at the first part of this session, a time when every one desired to be in the country rather than being perched up on a dry rock like Quebec, and which had ended in the death of one of the members. What was the use of bringing the House down here in the dog-days³⁷ when every one would prefer to be in green fields.³⁸ He defied the members of the Government to show any reason for it or for any of the times at which they had called the House together.³⁹ There was no analogy between the condition of [the] Legislature of Canada and that of some little state in the Union, where it might be an object to save a few days, and it was quite a mistake to suppose that the English Legislature assembled without expense.⁴⁰

MR. MERRITT thought the best time for the meeting of Parliament would be in the month of February after the Christmas holidays, when every one wished to be at home with their families, were over.⁴¹ Then the Board of Works Commissioner could be attending to the public works during the season of navigation.⁴² He thought they should go into committee that the sense of the House might be taken as to the best time for its meeting.⁴³

MR. J. A. MACDONALD was opposed on principle to any measure of this kind so long as we had responsible Government. It was as impossible that the time for the meeting of Parliament could be fixed as it was impossible that the Ministers could be ready at any particular time. It was very different in the States for there the ministers of the different departments are mere officials, and do not hold seats in the House. If you establish a fixed time for the meeting of the House you must also do away with any power of calling extra sessions. It is impossible to do both: you must either do the one or the other. If a new Ministry should come into power the House must be prorogued and must wait for assembling again till the new Ministry are ready with their measures. He was very strongly opposed to any infringement on the Royal Prerogative, without some very strong and urgent reason. He was opposed to this measure on this principle because it interferes with the prerogative.⁴⁴ He conceived, if a time were fixed, it should be done subrosa as in England, without any legislative action at all.⁴⁵ It seemed to him that the fixing of the time for the meeting of Parliament involved also the fixing of the time for the prorogation of Parliament, and would thus have the effect of destroying the whole system of responsible Government. He would go so far as to oppose even the passing of an address on the subject. He argued at some length upon the effect such a measure as the one now proposed would have in different cases that he put, of the position of different parties with regard to the Government, contending that it would materially interfere with the functions and responsibilities of the Executive, and could never be properly carried into effect.⁴⁶

MR. STREET thought the cases put by the hon. member for Kingston were very extreme ones, and he thought that just as extreme cases might be advanced in support of the other side of the question. He could not agree with that hon. member and thought that on the other hand many advantages would be derived from the plan proposed. He was not prepared to stop quite so short as the hon. member for Kent did. He thought they might go a little further⁴⁷ in imitating the American system, by putting members on a sessional allowance.⁴⁸ (Hear, hear.)

He would allow a certain sum for the session, and if members chose to go beyond that--they might do so at their own expense⁴⁹ as long as they liked--but let them not go on, as in the present session, drawing money for seven months, for business, which might have been done in much less time.⁵⁰ (Hear, hear.) Let the remuneration stop at a certain time, and he thought that unless there was some very great interest to look after, no one would be found sitting there after the allowance had ceased. If there ever had been an expensive session it had been this one. If there ever was a Parliament in which the funds of the country had been wasted, it has been in this one⁵¹, from the number of measures introduced with no reason at all. This did not merely waste the time of members, it also wasted the time of many persons, who were compelled to attend the House on business, and who were kept waiting for real business, while matters of small importance were idly discussed.⁵² He was very anxious to see the business of the country transacted in a proper manner, but he was not prepared to see the business and time of the country frittered away. He desired to see it done well, but in as short a time as possible; and he thought during the present session much time and the money of the people had been wasted in consequence of the long and unnecessary speeches that were made on every question and the continued inquiries and notices that were put on the paper, that never led to anything but empty discussion.⁵³

MR. CAUCHON said that if any one was to blame for the length of this session, it was the Government. It was owing to them, and was not the fault of the members of the House.⁵⁴ The government ... wanted time to prepare their measures. Whether those measures would justify a session of six months, it was for the country to judge. What was quite certain was, however, that it was after very long sessions, when all parties were tired, that measures were pushed through most hurriedly, in a very few days.⁵⁵ The sessions were generally long, when it was the first of a new Parliament, because the new members wished their constituents to see that they were capable of advocating their interests, and of making able speeches. He did not think that it would be against the prerogative to ask the Governor to fix the time of the meeting of Parliament, and he would go as far as that, in support of the resolutions introduced by the hon. member for Kent.⁵⁶

MR. INSP. GEN. HINCKS said that when the Government was in Lower Canada as well as when it was in Upper Canada, the Government had never called the House together to suit their own views or had delayed its meeting for their own purposes. They had always endeavoured to meet the views of the members of the House as far as they could ascertain what they were.⁵⁷ The period to which the meeting of Parliament was postponed on various occasions had never been dictated by the convenience of the Government; but by the wishes of members of the House.⁵⁸ He did not remember a single instance in which the Government had called the Parliament together for their own purposes.⁵⁹ As to what had been said by the member for Montmorenci, he was willing to have the Government blamed for wasting the time of the country, if the time had been taken up with unimportant business.⁶⁰ He denied that the Government had in this case done anything to prolong the session and if the measures they brought forward were of such importance as to detain the House for a long period, he for his part was quite willing to take the responsibility.⁶¹ The Government had fully occupied the time allowed to it, and was willing to occupy another day, if the House pleased. He did not believe there was any legislature in the world that worked so devotedly as this legislature. At this moment there was no comparison between the amount of Government business brought forward in England and in Canada.⁶² He considered that the measures they brought forward would more than compare with any that had been brought forward by the Home Government. He thought the remarks of the

hon. member for Welland were very disparaging to the House. He did not think that any single member was influenced in his proceedings in the House by the amount of remuneration he might receive.⁶³ Nor did he think members were kept there by the paltry pittance they got as a sessional allowance. As to the question before the House,⁶⁴ the Government had no desire to recommend that Parliament should be called together at any time that would not be convenient to hon. members. Their [sic] would be no objections on the part of the Government to have a certain time fixed, but they would object to any particular day being named. The only other question to consider was, what would be the most convenient time? He would merely throw out as a suggestion that as it appeared that the early part of the year was the most convenient, the time should not be till after January because as the fiscal year ended on the 31st January, the accounts could not be brought to the House till after that day, and it was impossible to make up the books of the public departments any sooner than that time. He therefore thought that the beginning of February would be the most favourable time. However, the Government had no feeling at all in the matter, and he denied that they had ever, in calling the House together at any particular time done anything to forward their own views, they had always endeavoured to consult the feelings of the House.⁶⁵

SIR A. MACNAB, as one of those who had never been consulted thought, that if the Inspector General really wished to consult the views of hon. members the House was the best place to learn their opinions. He went on to comment on the remarks of the hon. member for Welland. He did not think he said, that in any House of Parliament in the British dominions was so much business done in so short a time as in the Parliament of Canada. He would venture to say that there is 15 or 20 times as many bills passed in this Parliament as in the Parliament of England in the same time.⁶⁶ No legislature worked harder than the Canadian. In the U.S. the legislature met at 10 and adjourned at 3.⁶⁷

MR. ROSE thought it desirable to meet as soon after the first of January as possible.⁶⁸

MR. R. CHRISTIE of Gaspé said that the expenses of the House is [sic] less at the present time than it was when a sessional allowance was given to the members. It was understood that no member would take any compensation when he was not in his place in the House, and he thought that the work done was fully equal to the compensation rendered. Besides it should be borne in mind that⁶⁹ the present session would serve for and be cheaper than two ordinary sessions.⁷⁰

MR. STREET, after some preliminary observations, remarked that what had been said about American Legislatures was the greatest condemnation of the Canadian Legislature. If American Legislatures could transact the business of that vast country, and of important states in it in so short a time--in New York for instance in one hundred days--surely the Legislature of Canada ought not to be so long in session.⁷¹

MR. MARCHILDON ... [said] some words⁷².

Some further discussion [followed]⁷³.

The motion was carried.⁷⁴

(660)

*On motion of Mr. Brown, seconded by Mr. Mackenzie,
Resolved, That this House will immediately resolve itself into a Committee to consider certain Resolutions on which to found an Address to His Excellency the Governor General, as to the assembling of Parliament.*

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Patrick reported,

That the Committee had come to several Resolutions; which were read, as follow:--

(661)

1. Resolved, That the beginning of the month of February would be the most convenient period of the year for the assembling of Parliament.

2. Resolved, That it would be convenient for the Country if His Excellency the Governor General, in the exercise of his undoubted prerogative, would summon Parliament for the despatch of business at the period named in the preceding Resolution.

The first of the said Resolutions, being read a second time, was agreed to.

The second of the said Resolutions being read a second time, and the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided:--And it was resolved in the Affirmative.

On motion of MR. BROWN⁷⁵,

(661)

Resolved, That a Select Committee, composed of Mr. Brown, the Honorable Mr. Hincks, Sir Allan N. MacNab, the Honorable Mr. Morin, and Mr. Street, be appointed to prepare and report the draught of an humble Address to His Excellency the Governor General, upon the said Resolutions.

On motion of Mr. Tessier, seconded by Mr. Laurin,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he would be pleased to cause to be laid before this House, a List of the Deeds of Commutation of Lands held en roture into fran? aleu roturier, stating the names only of the parties to such Deeds, the name of the Seignior, the date of the Deed, and the name of the Notary before whom such Deed was passed; and also, a Statement shewing the amount received by the Crown as indemnity on such Commutations, pursuant to Sections 3, 4, and 5, of the Act 8 Vic. cap. 42, from the date of the said Act (29th March, 1845,) to the 1st January last.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Stuart have leave to bring in a Bill to incorporate the Canada Military Asylum.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Street have leave to bring in a Bill to increase the Capital Stock of the Niagara Falls Suspension Bridge Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Order of the day for the House in Committee on the Bill to amend and consolidate the Laws relative to Emigrants and Quarantine, being read;

Ordered, That the said Order of the day be postponed until To-morrow.

The Order of the day for the third reading of the Bill to provide for the care of habitual Drunkards, and the custody and disposal of their effects, being read;

Ordered, That the Bill be read the third time on Thursday next.

The Order of the day for the third reading of the Bill to divide the Common of Maskinongé among the Co-proprietors thereof, being read;

Ordered, That the Bill be read the third time on Monday next.

*The Order of the day for the second reading of the Bill to amend the Act for better securing the Independence of the Legislative Assembly of this Province, being read;*⁷⁶

MR. H. SMITH (Frontenac) said, he had introduced this bill on the 24th of August last, for the purpose of amending that which appeared to some hon. gentlemen to be a defect in the legislation of the Government, with respect to the Act passed in July, 1843. It would be in the recollection of the House, that since the general election, there had been two cases of an election of hon. members of that House, and who had been returned, but he conceived the returns of both of these men, illegal and incompetent in law, but it would have been a fit subject, if there had been contempt committed to have taken it before an Election Committee. Such was the case in the county of Huron, and another county⁷⁷, Two Mountains ... but as doubts had arisen, he wished to clear them up.⁷⁸ After all, he had found that there were so many hon. gentlemen who would like to see the objects of the bill of 1843, carried out, so as to render the Parliament more secure--that he had added two or three other clauses for the purpose of rendering the bill more perfect.⁷⁹ He desired to follow the English practice, and he had taken the trouble to search the English journals for forty years, and he had not found one case of a vacancy occurring between general elections that had not been followed by the warrant of the speaker of the House. That was the proper course, and ought to have been followed in the two instances alluded to.⁸⁰ He ... did not find a single case in which the words had been used--"within forty days of any meeting of Parliament," because there is no authority to issue that Writ until the meeting of Parliament itself. Now, the acceptance of office by a member was treated in Law as death; he was politically dead so far as his election was concerned, and it became necessary that his removal should be moved for. He would read the opinion of Judge Paine, given in England, which supported that view, by holding, that every vacancy after a general election was supplied by Parliament, and he, (Mr. Smith) desired that that should be the practice of the Government in this country--that was the principle in England, and that was what he wished to have introduced in Canada. The Act of 1843 declared, that if, after the Passing of that Act, in the case of any vacancy occurring in the Assembly by reason of the death of the party, or his accepting from the Government any office by which his seat should become vacant, it should be the duty of the Speaker, by any writing under the hands and seals of any two members of the Assembly, to give notice thereof to the House, in order that a new writ should issue, and if the Speaker should be absent from the Province, or it happened that the member absent should himself be Speaker, a new writ should issue accordingly. Now if a vacancy occurred between the time of the general election and the sitting of this Parliament, and there was no Speaker, then he thought that no writ could issue. He wished to make no allusion to gentlemen who had obtained seats in the present Parliament, because there had been no contest, but as the first clause of his proposed bill would more completely remedy any error which might have crept into the original bill, he would then proceed to further clauses which to a certain extent would undoubtedly, if carried, make that House more independent than it had been before. He was sorry that on that occasion the hon. member for Essex was not present, because he had promised him great support, but he had no doubt he should receive liberal and adequate support from other members of the House. He would now go on to state that he proposed to extend the Act of 1843, so as to prevent any member sitting in that House, if receiving any of the public monies of the Province, whilst so sitting. That had been adopted by the Act of 1843, but it stopped short, and did not go so far as it should have done. By that Act, certain parties were

disqualified from sitting and voting in that House, and the Queen's Printer, because he received public money, could not hold his seat there; and he would ask what was the difference between the case of the Queen's Printer, and any hon. member of that House, who should be pleader at the bar thereof, pocketing for his pains a good robust pension,--if the principle be good, that no member in that House, should be considered liable to be tainted with bribery, that same principle should be extended to all members under Government.⁸¹ We excluded the Queen's printer from the House. Why not on the same principle Queen's Counsel who held fat roving commissions.⁸² The second clause of that bill proposed, that it should not be lawful for any member to take or receive any emoluments or fees out of the Province, while he should be a member of Parliament. The amendment which he had to propose followed the terms of the act of 1843, except with reference to the Commissioner of Public Works. He did not intend to propose any penalty for infractions of the law--that he would leave to the House. With respect to the 3rd clause, it was copied from the words of an English act of Parliament, so far as they could be considered applicable in respect of difference of custom--the same principles, might, he thought, be applied to professional members of that House, and he proposed, that after the dissolution of the then existing Parliament, no such gentlemen should receive, directly, or indirectly, any emolument whatever. He thought, in proposing that bill to the House, if he succeeded in carrying it, he should have the pleasure of feeling that he had done some good to the country, and that he should by means thereof, place honorable members of that House in such a position that they could not be tainted with even suspicion, that they were receiving any emolument. He was happy to state, that so far as the Press was concerned, both the Conservative and Reform papers had expressed an opinion in favour of the bill. (He then read his clause.) As far as the parties therein mentioned were concerned, he was quite willing to insert a clause exempting them from the effect of the operation of the bill, if the House thought it necessary that they should come into the House,--they had got nine gentlemen connected with the Government already in the House, which was much too strong. He thought that the bill did not go far enough, but he did not propose to carry it further. The Government had been in the habit of employing those gentlemen who had given in their adherence to them, and in making observations which, doubtless, had a bearing upon gentlemen of the House; he must say that he thought, in making the assertion, he was not proceeding beyond proper grounds, and he was only advocating, to the best of his ability, the sound principles which the bill contained. He would next allude to the hon. members for Essex and Niagara. Both of those gentlemen were professional gentlemen; members of the same profession as himself; those gentlemen had received favours of the Government, and had been appointed to act as Queen's Counsel at the forthcoming Assizes; and, if this bill was to become law, it would be out of the power of the Government to send such persons as those gentlemen, or his humble self, out of the House; but if the bill did annoy the Government at that moment, it was in their power to send him out of that House the next day, giving him some office as an excuse. (Hear, hear, and laughter.) He would not allude to other gentlemen who had received [sic] favour from the Government; but he would say that it was dangerous that any gentleman sitting there should receive emolument, unless he was a member of the Government. He proposed to make the Act of 1843 a perfect measure by the introduction of the bill. The Assistant Secretary; the Assistant Commissioner of Crown Lands; the Deputy Assistant Commissioner of Public Works, and others, should all be included in the bill. He would, therefore, move the second reading of the bill.⁸³

MR. AT. GEN. RICHARDS (West) as to the first clause, thought, that the enactments, so far as they were concerned, would operate seriously in the legislature after a general election, because they could not move for any writ until

after the expiration of fourteen days--that would be the effect of the hon. gentleman's bill.⁸⁴

MR. H. SMITH.--That was the law of England then.⁸⁵

MR. AT. GEN. RICHARDS (West).--Well, that might be so, but they would not entertain that practice. He thought, that as a matter of public convenience, as well as for the advantage of the interests of the public. It was a clause which should be well considered by that House before carried out, he meant, that portion of it which spoke of the issue of a writ where persons have accepted office under the crown after a general election. The constituency which he represented, of course, would be by that Act deprived of a representative, for probably a very considerable portion of the first session of public service. It was not desirable to lay down that doctrine--what would be the object of it? The policy of the law was, that the constituencies might have an opportunity of passing an opinion upon the conduct of their member in taking office under the crown--that was the important object of declaring the seat vacant upon the acceptance of office. The advantages that would accrue by not permitting the person to take his seat for the first fifteen days, he apprehended could just as well be obtained by not passing that Act, and by allowing the law to stand, as he supposed the decision of the Election Committee would. The hon. gentleman had referred to English precedents, but he had forgotten that there was an English precedent then under consideration which was on all forms in point of principle equal with that to which the hon. gentleman had alluded, and it was held that if the first petition was good, and he had not been guilty of bribery, that he could be elected a second time. So it would be there: a person's election might be petitioned against, and for all natural purposes, if the Election Committee were to decide that the person's seat was void, then there would have been a vacancy in the representation, and consequently the person who would be entitled to that seat would necessarily be called on to take it. Now, for the purpose of having the constituents in this country properly represented, it appeared to him that that would be the better plan. There was a nice technical ground taken, in regard to a person not having his seat declared vacant until after the assembling of Parliament, that is, that until the Crown meets Parliament it is not a Parliament in law; that the persons who are chosen are only members elect; the Parliament only receives its vitality when the whole of the three branches meet together, and it is then only that it becomes a Parliament. And that was a very nice distinction which had been set up, namely, that the taking of a seat, and issuing of a new writ, cannot take place, because it is intended that the individual who should certify to the officers, and the one who should issue the writ should not be members of Parliament. What disadvantage would there be in allowing a person to accept office during recess, or after a general election? In the first place all those restrictions which were interposed, and wisely interposed for the purpose of preserving the virtue of the members chosen, and preventing the exercise of any undue influence from the Crown, but by laying down the principles, and acting upon them you may deprive the Crown from selecting any individual, and if so, you necessarily deprive the constituency of the opportunity of expressing their opinions with regard to the individuals selected to that office.⁸⁶ If the bill were passed, it might ... prevent a constituency from expressing an opinion on an appointment of the Crown for nine months.⁸⁷ He thought that there would be great impropriety committed in carrying out the measure of the hon. member. What advantages were to be gained by the course which he recommended? Suppose you succeeded in depriving the Crown of availing itself of the service of an individual, who had been thus elected, and thought before the meeting of Parliament, the Crown thought proper to dismiss the whole of the advisers of the Crown, and to call in others, then

of course all those gentlemen who were chosen to fill the various offices of State in the country, they would necessarily, according to the proposed measure of his hon. friend, be deprived of seats until the meeting of Parliament, and when it met what would they do? They would just meet together, and somebody would be required on behalf of the Government, to state that because there were no members of the Government in the House, that a certain little piece of formality should be gone through, and then the Parliament would stand adjourned. Then with regard to the second clause, he presumed that the hon. member, in the way he had drawn the bill, is desirous to prevent the Post Master General from being a member in that House; the Receiver General; the Inspector General; the Secretary of the Province; Commissioner of Crown Lands; Solicitor General; Commissioner of Public Works; the President of the Executive Council, &c. He did not know whether the hon. gentleman, by his bill, wished to render it necessary to make the Solicitor General a member of the Executive Council?⁸⁸

MR. H. SMITH said, it was necessary he should be.⁸⁹

MR. AT. GEN. RICHARDS (West) [asked] whether his hon. friend meant that he should be excluded from the House if he was not a member of the Executive Council?⁹⁰

MR. H. SMITH.--No.⁹¹

MR. AT. GEN. RICHARDS (West): Did the hon. gentleman intend by that bill to keep the crown from availing itself of the service of any gentleman who might be a member of that House?⁹²

MR. H. SMITH.--Yes, decidedly.⁹³

MR. AT. GEN. RICHARDS (West).--If that was what he meant, then the effect of that bill, would be that if any gentleman of that House happened to be a lawyer, engineer, or was in any other profession; if he was employed in any other way directly or indirectly, then according to the doctrine of the hon. gentleman, his seat is to be forfeited in the House. He would like to know how the hon. member thought of carrying it out? If the people putting confidence in the members here, have chosen them because they considered them to be men of integrity, and public virtue, were you to deprive the crown of availing itself of the service of such men, when it might be of the very greatest importance.⁹⁴ It was to be presumed that the several constituencies would select the ablest men in the different professions or avocations of life.⁹⁵ When gentlemen talked about purging the House, and making it pure, let them act differently; but was it to be said, that because the people desire to avail themselves of the services of a professional man, that therefore the crown should not do so? If the people themselves introduce to the crown, men of distinguished talent and ability was not the crown to avail itself of them? It must be very gratifying to hon. members on that side of the House to see the hon. member for Frontenac bringing the measure forward.⁹⁶

MR. MACKENZIE said, it was nothing new.⁹⁷

SIR A. MACNAB.--The first bill, in 1843 was introduced from his side of the House, and if he recollected rightly, he got it carried through.⁹⁸

MR. AT. GEN. RICHARDS (West).--It must have been very gratifying at that day, to the Honorable and Gallant Knight, but the measure as far as his recollection went [which] was introduced, and passed into law, and which now appeared upon the Statute Book ... was introduced by the Attorney General for Lower Canada. I do not remember, that the Honourable and Gallant Knight carried it through, or to what extent it went.⁹⁹

MR. H. SMITH: The same words occur here as in the Act of 1843.¹⁰⁰

SIR A. MACNAB: He was in favour of the bill, although he had not read it carefully, and he would say, why it had been found necessary by the former Act to exclude all officers receiving emoluments from the Government, even of the most trifling nature,--the Physician even, having the care of the jail, was declared ineligible to be returned to Parliament.¹⁰¹ It was easy to see that¹⁰² in a House like that with 84 members, and 9 ministers or persons connected with the Government, they should be able to collect the highest order of talent in that House, securing the¹⁰³ votes of lawyers¹⁰⁴ saying "you go this circuit, there is £200 for you," and to another, "you go that, there is £400."¹⁰⁵ Without wishing to make any personal allusions, he asked if that were not the case in some instances in the present house. A doctor attending gaol and receiving public money was not allowed a seat in the House, why then should a lawyer who received public money for prosecuting prisoners?¹⁰⁶ He could not understand, but he would ask hon. members of that House, whether the present Government had acted in such a manner as to secure the independence of Parliament? No; otherwise they would support the bill of his hon. friend beside him. What the Attorney General (West) had said, did not meet his views.¹⁰⁷ With respect to the issuing of election writs, he also agreed with the bill. The object was to make a member responsible for corruption, by providing that fourteen days of the session should transpire before a new writ [was] issued.¹⁰⁸ In England, they did not issue the Writ until after the first fourteen days. In the Session of 1847 or 1848, a new member having his doubts whether he had not been disqualified, at the time of his election, thought it prudent not to take his seat for fear of being sued, and made subject to the penalties under the Act, and he accordingly applied to the Chilton Hundreds. Some question was raised as to the propriety of allowing him to take his seat--and it was said, that as the proper time had elapsed, there was to be no objection to his taking office. After going through cases all to the same effect, he felt satisfied that the bill would be favourably received by the House. There was no reason why Queen's Counsel were to be privileged, and to receive that favour which doctors and physicians attending the jail did not. Under those circumstances, he apprehended that the hon. member's bill would be read a second time.¹⁰⁹

MR. BROWN¹¹⁰ thought the member for Frontenac was entitled to the thanks of the country for introducing this bill. It was to be hoped that the Representation Bill would produce a change in the state of matters, but it must be confessed that what with Crown-counsellorships, surveyorships, commissionerships, railway-directorships, and other direct or indirect means of influence, the power of the Government of the day was almost irresistible in that House. (Hear, hear.) It might be said that this bill would not remove all the evil, and that was undoubtedly true; but it would do much, towards remedying it, especially if its provisions were extended, as he trusted they would be, in Committee. He regretted that, in his remarks, the hon. member for Frontenac had named the member for Niagara, in the absence of that gentleman, as one at whom this bill was aimed--¹¹¹

MR. H. SMITH did not mention the member for Niagara as an illustration of the evil--but only inferred that the loss of that gentleman's presence in the House was caused by the system against which he proposed to legislate.¹¹²

MR. BROWN thought it to be regretted that any names had been mentioned. There were far better illustrations of the evil to be found on either side of the House than the case of the hon. member for Niagara. There were few members in that House who were so little actuated by sordid motives in the votes they gave as the hon. gentleman in question. He had supported the late Administration firmly and consistently for years--but during the whole time he had received no

professional favours whatever from the Government, but on the contrary had aided in obtaining for others, far less entitled to it, those honours and emoluments which were justly his own. There was one argument in favour of the bill before the House which had not been touched upon. It could not be denied that in going before constituencies, there was a feeling to be encountered, that candidates subserved their own interests by going to Parliament, and he did not believe that there was any member of that House who came there with such an end in view--and it would be an immense advantage to remove the feeling forever, and to have it understood that one coming to Parliament was thereby cut off from personal aggrandizement. He hoped that when the hon. gentleman's bill went into Committee, he would endeavour to make it apply, not only to those holding office, but holding contracts under the Government--to all, in fact, who directly or indirectly received pay from the Government. The proposal of the bill, he felt convinced, would be satisfactorily responded to by the people of Upper Canada. (Hear, hear.)¹¹³

MR. AT. GEN. DRUMMOND held that the House should think well before it adopted a resolution that might deprive the crown of the services of the most efficient persons¹¹⁴. [He] did not rise for the purpose of opposing the principle of this bill, because he was determined as far as he could to legislate for the public and not for individuals, and he thought that every class should be equally considered by the House. He should therefore vote for the House going into committee upon this bill. Hon. members should recollect the small number of persons in the country eligible for holding seats in it. He stated that he did not approve of the first clause of the bill, and then went on to remark upon the legal effect of the different clauses and to mention various cases that had occurred in which they would not apply. With regard to the office of Solicitor General who was an officer employed by the Government, and yet not a member of the Cabinet he did not suppose that it was intended that the bill should apply to him, and on this account the second clause required some amendment. He did not think that a Provincial Land Surveyor, who might be employed by the Government, should by that be rendered ineligible for a seat in Parliament, or otherwise that his holding a seat in Parliament should necessarily deprive the Government of his services. He thought the bill should be allowed to pass the second reading, and should be referred to the committee of the whole. He should therefore vote for the second reading of the bill.¹¹⁵

MR. CAUCHON was glad that the Government did not mean to oppose this measure as a Government, because, considering the law as it now exists, much had been passed by themselves. He was glad to see the Attorney General in favour of this measure. Of course the details of the bill might be amended, but as to its principles there should be no difference of opinion of any importance on so great a question. They did not know what might be the tendency of public opinion, but by extending the principle now existing, Government influence might be created and Government patronage extended every day. Queen's Counsel receiving pay ought not to sit in the House. He did not mean to be personal, for some of them had shown a great deal of independence; they could not be viewed without suspicion. It was not right to put men in situations by which they may be tempted, for although, generally, they may resist, some may not do so. They should make the House not only independent but altogether above suspicion.¹¹⁶ He did not think members should be placed in such a position [sic] as to allow their constituents a chance of suspecting their purity.¹¹⁷ He had heard it said many times that men had voted in particular ways because they had been influenced by the receipt of money from the Government, but he thought such things must be very rare indeed. Some men who are in the Government, must, of course, be in the House, and must be paid for their services. He would go to the full extent

of the Act of 1843, particularly as they were to have an increase of the number of members. He was, therefore, glad that the Government would not oppose the bill.¹¹⁸

MR. AT. GEN. DRUMMOND said that he did not go for the Act of 1843.¹¹⁹

MR. FOURNIER said, if surveyors were to be excepted from the right to be employed by Government, if in the House, many other classes would be in the same position, including printers. For his part he would repeal the law of 1843, and so leave the people the right to choose any representatives they pleased.¹²⁰

MR. GAMBLE said that every man must admit that this House is the most virtuous and most patriotic that ever sat for the county [sic], (hear, hear, and laughter,) and he was quite sure that the principles which were stated over and over again at the hustings were faithfully maintained to the very letter in the House, (laughter,) but those who come after us may not happen to live in such a golden age, as this people are not always so firm as they are now, and therefore we are going to provide for all time to come. He (Mr. Gamble) would go much further than this bill went, but he hoped that it would be carried. He thought that every person receiving any benefit in any way from the Government in the shape of emolument or fees of any kind should be brought under its provisions. There were many ways in which money may be received from the Government, and he would extend this bill so far as to exclude from the House persons who receive money in any shape whatever, even those who were engaged in Government contracts. With these views he should vote for the second reading of the bill.¹²¹

MR. PROV. SEC. MORIN, as we understood, approved of the principle of the act of 1843, and was not unwilling to extend it; but the present bill was not an extension of that principle, but a different one. Instead of saying that parties accepting pecuniary advantages must go back to their constituents, this bill provided that such persons could not be elected at all.¹²² [He] thought that this bill would cause some legal difficulties in different cases that he mentioned¹²³.

MR. MACKENZIE said the hon. member for Frontenac was quite consistent in his present step, at the same time, he (Mr. Mackenzie) did not quite agree with the bill which the hon. member had introduced. If he would, however, amend it (in some way which we could not understand,) he would vote for it. Mr. Mackenzie then loudly condemned the principle of employing a crowd of lawyers, who were members of Parliament, on the crown circuit. Nor did he desire to have inferior ministers (deputies) in the House. He then complained of the style in which the clerks lived. He understood that one who, before he got a small office, was understood to have nothing at all, now gave parties that eclipsed the Governor General's. He did not want to have these men to give their votes in the House. In England, he saw by the papers that there was so much corruption as to make human nature blush. If these men came into the House, all independence would be gone. He wanted to cashier the Solicitor Generals, he understood that the member for Niagara was said to have refused some Crown Circuits,--the fact, he supposed was, that he had so much he could not hold all. His partner had had the modesty to put himself into a good berth with more salary than he said was fit for any one else, and he supposed the present head of the firm with Toronto Circuits and other snug things, managed to make £1,000 or £1,200 a year. He was glad the ministry did not oppose the present bill; it was a sign they knew there was some public opinion. Mr. Mackenzie concluded by ridiculing the idea that there was no talent except in that House, and that when a job was to be done, some member must be selected to do it.¹²⁴

MR. BADGLEY was very glad that the hon. member for Frontenac had brought in this bill. He spoke at some length on the legal points of the measure.¹²⁵

MR. LANGTON stated some objections that he had to the details of the measure, but declared his intention of supporting its general principles.¹²⁶

MR. H. SMITH, (Frontenac,) did not understand why the Attorneys General were going to vote for the second reading of the bill, when they had condemned every clause in it. He then went on to reply to the objections urged by the Attorneys General to the details of his bill.¹²⁷ The hon. Secretary had said that this bill would disfranchise some constituencies; but did they understand the difficulty which might have arisen in the case of the Huron Election, if instead of Mr. Cameron or Mr. Cayley being returned some third person had been. In that case, if Mr. Cameron had been impeached for bribery, the House must in justice to the first petitioner have turned out this last elected person. After some further justification of the details, he said that he did not as Mr. McKenzie supposed, approve of bringing a number of deputy ministers into the House; but as a bill to exclude those persons brought in by Mr. Cauchon had been lost in the early part of the session, he did not think it right to introduce the same measure again.¹²⁸ He was glad to be able to congratulate the Attorney General West upon the promotion he was about to receive in being called to the Bench, which he saw by the papers was about to take place. On the same authority he understood that his place as Attorney General was to be taken by Colonel John Prince. (Laughter.)¹²⁹

Some further discussion [followed], in the course of which MR. AT. GEN. RICHARDS West disclaimed all knowledge of his intended promotion¹³⁰.

The bill was then read a second time without division.¹³¹

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Monday next.

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The House, according to Order, resolved itself into a Committee on the Bill to authorize the formation of a Company to construct a Railroad on the North Shore of the River St. Lawrence, from the City of Quebec to the City of Montreal, or to some convenient point on any Railway leading from Montreal to the western Cities of this Province; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Smith of Frontenac reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Smith of Frontenac reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Smith of Frontenac, seconded by Mr. Marchildon, The House adjourned.

APPENDIX: 31 MARCH 1853.

[QUESTION AND ANSWER RE: EASTERN TOWNSHIPS ROAD.]¹³²

MR. TERRILL [asked a question]¹³³.

MR. COM. PUB. WORKS CHABOT stated ... that it is the intention of the Government to surrender to the Local Municipal Authorities the control and management of the Highway constructed in the Eastern Townships a few years since commonly called the "Main Eastern Townships Road."¹³⁴

[QUESTION AND ANSWER RE: LEVYING OF L.C. MUNICIPAL TAXES ON PERSONAL PROPERTY.]¹³⁵

MR. TERRILL enquired of the Ministry, whether it is their intention to the proposed law for reforming the Municipal system of Lower Canada to adopt the principle of levying Municipal and Educationl [sic] taxes upon all personal as well as real property?¹³⁶

MR. AT. GEN. DRUMMOND said it was the intention to levy taxes on personal property; but not educational taxes, at least during this session. The subject was a delicate one, and the government waited for the information of the school inspectors recently appointed before they took any action in the matter.¹³⁷

FOOTNOTES: 31 MARCH 1853.

1. The following papers noted the exchange on this matter in identical accounts: MORNING CHRONICLE, 4 April 1853, HAMILTON SPECTATOR DAILY, 12 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 13 April 1853, HAMILTON SPECTATOR WEEKLY, 14 April 1853, NORTH AMERICAN SEMI-WEEKLY, 15 April 1853, and NORTH AMERICAN WEEKLY, 21 April 1853. The following papers noted the exchange in partially identical accounts: HAMILTON SPECTATOR DAILY, 1 April 1853, GLOBE, 2 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, and LA MINERVE, 2 April 1853. The exchange was also noted by GLOBE, 14 April 1853.
2. GLOBE, 14 April 1853.
3. IBID.
4. IBID.
5. MORNING CHRONICLE, 4 April 1853.
6. HAMILTON SPECTATOR DAILY, 1 April 1853.
7. GLOBE, 14 April 1853.
8. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 4 April 1853, PILOT, 9 April 1853, BRITISH COLONIST, 12 April 1853, HAMILTON SPECTATOR DAILY, 12 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 13 April 1853, HAMILTON SPECTATOR WEEKLY, 14 April 1853, NORTH AMERICAN SEMI-WEEKLY, 15 April 1853, and NORTH AMERICAN WEEKLY, 21 April 1853. The debate was also reported by GLOBE, 14 April 1853. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 1 April 1853, GLOBE, 2 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, and LA MINERVE, 2 April 1853. The following papers noted the debate in partially identical accounts: BRITISH WHIG, 2 April 1853, GLOBE, 2 April 1853, HAMILTON SPECTATOR DAILY, 2 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, NORTH AMERICAN SEMI-WEEKLY, 5 April 1853, EXAMINER, 6 April 1853, NORTH AMERICAN WEEKLY, 7 April 1853, and LA MINERVE, 2 April 1853.
9. GLOBE, 14 April 1853.
10. MORNING CHRONICLE, 4 April 1853.
11. GLOBE, 14 April 1853.
12. MORNING CHRONICLE, 4 April 1853.
13. GLOBE, 14 April 1853.
14. IBID.
15. IBID.
16. IBID.
17. MORNING CHRONICLE, 4 April 1853.
18. GLOBE, 14 April 1853.
19. IBID.
20. MORNING CHRONICLE, 4 April 1853.
21. GLOBE, 14 April 1853.
22. IBID.
23. MORNING CHRONICLE, 4 April 1853.
24. GLOBE, 14 April 1853.
25. MORNING CHRONICLE, 4 April 1853.
26. GLOBE, 14 April 1853.
27. MORNING CHRONICLE, 4 April 1853.
28. GLOBE, 14 April 1853.
29. MORNING CHRONICLE, 4 April 1853.
30. GLOBE, 14 April 1853.
31. MORNING CHRONICLE, 4 April 1853. Mr. Morin was inaudible to the reporter.
32. GLOBE, 14 April 1853.
33. MORNING CHRONICLE, 4 April 1853.
34. GLOBE, 14 April 1853.
35. IBID.

36. MORNING CHRONICLE, 4 April 1853.
37. GLOBE, 14 April 1853.
38. MORNING CHRONICLE, 4 April 1853.
39. GLOBE, 14 April 1853.
40. MORNING CHRONICLE, 4 April 1853.
41. GLOBE, 14 April 1853.
42. MORNING CHRONICLE, 4 April 1853.
43. GLOBE, 14 April 1853.
44. IBID.
45. MORNING CHRONICLE, 4 April 1853.
46. GLOBE, 14 April 1853.
47. IBID.
48. MORNING CHRONICLE, 4 April 1853.
49. GLOBE, 14 April 1853.
50. MORNING CHRONICLE, 4 April 1853.
51. GLOBE, 14 April 1853.
52. MORNING CHRONICLE, 4 April 1853.
53. GLOBE, 14 April 1853.
54. IBID.
55. MORNING CHRONICLE, 4 April 1853.
56. GLOBE, 14 April 1853.
57. IBID.
58. MORNING CHRONICLE, 4 April 1853.
59. GLOBE, 14 April 1853.
60. MORNING CHRONICLE, 4 April 1853.
61. GLOBE, 14 April 1853.
62. MORNING CHRONICLE, 4 April 1853.
63. GLOBE, 14 April 1853.
64. MORNING CHRONICLE, 4 April 1853.
65. GLOBE, 14 April 1853.
66. IBID.
67. MORNING CHRONICLE, 4 April 1853.
68. IBID.
69. GLOBE, 14 April 1853.
70. MORNING CHRONICLE, 4 April 1853.
71. IBID.
72. IBID.
73. GLOBE, 14 April 1853.
74. MORNING CHRONICLE, 4 April 1853.
75. GLOBE, 14 April 1853.
76. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 4 April 1853, PILOT, 9 April 1853, BRITISH COLONIST, 12 April 1853, HAMILTON SPECTATOR DAILY, 12 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 13 April 1853, HAMILTON SPECTATOR WEEKLY, 14 April 1853, NORTH AMERICAN SEMI-WEEKLY, 15 April 1853, and NORTH AMERICAN WEEKLY, 21 April 1853. The debate was also reported by GLOBE, 14 April 1853. The following papers noted the debate in identical accounts: BRITISH WHIG, 2 April 1853, GLOBE, 2 April 1853, HAMILTON SPECTATOR DAILY, 2 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, NORTH AMERICAN SEMI-WEEKLY, 5 April 1853, EXAMINER, 6 April 1853, NORTH AMERICAN WEEKLY, 7 April 1853, and LA MINERVE, 2 April 1853.
77. GLOBE, 14 April 1853.
78. MORNING CHRONICLE, 4 April 1853.
79. GLOBE, 14 April 1853.
80. MORNING CHRONICLE, 4 April 1853.

81. GLOBE, 14 April 1853.
82. MORNING CHRONICLE, 4 April 1853.
83. GLOBE, 14 April 1853.
84. IBID.
85. IBID.
86. IBID.
87. MORNING CHRONICLE, 4 April 1853.
88. GLOBE, 14 April 1853.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. MORNING CHRONICLE, 4 April 1853.
96. GLOBE, 14 April 1853.
97. IBID.
98. IBID.
99. IBID.
100. IBID.
101. IBID.
102. MORNING CHRONICLE, 4 April 1853.
103. GLOBE, 14 April 1853.
104. MORNING CHRONICLE, 4 April 1853.
105. GLOBE, 14 April 1853.
106. MORNING CHRONICLE, 4 April 1853.
107. GLOBE, 14 April 1853.
108. MORNING CHRONICLE, 4 April 1853.
109. GLOBE, 14 April 1853.
110. BRITISH COLONIST, 12 April 1853, ascribes this speech to Mr. Rose.
111. GLOBE, 14 April 1853.
112. IBID.
113. IBID.
114. MORNING CHRONICLE, 4 April 1853.
115. GLOBE, 14 April 1853.
116. IBID.
117. MORNING CHRONICLE, 4 April 1853.
118. GLOBE, 14 April 1853.
119. IBID.
120. MORNING CHRONICLE, 4 April 1853.
121. GLOBE, 14 April 1853.
122. MORNING CHRONICLE, 4 April 1853.
123. GLOBE, 14 April 1853, which reported that Mr. Morin "spoke in such a low tone that most of his words were inaudible."
124. MORNING CHRONICLE, 4 April 1853. GLOBE, 14 April 1853, commented that Mr. Mackenzie "spoke in such a rumbling style that it was impossible to follow the tenor of his remarks."
125. GLOBE, 14 April 1853.
126. IBID.
127. IBID.
128. MORNING CHRONICLE, 4 April 1853.
129. GLOBE, 14 April 1853.
130. IBID.
131. MORNING CHRONICLE, 4 April 1853.
132. The following papers reported this Question and Answer in identical accounts:
MORNING CHRONICLE, 4 April 1853, NORTH AMERICAN SEMI-WEEKLY, 15 April 1853,

and NORTH AMERICAN WEEKLY, 21 April 1853. The following papers reported this matter in partially identical accounts: BRITISH WHIG, 2 April 1853, GLOBE, 2 April 1853, HAMILTON SPECTATOR DAILY, 2 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, NORTH AMERICAN SEMI-WEEKLY, 5 April 1853, EXAMINER, 6 April 1853, NORTH AMERICAN WEEKLY, 7 April 1853, and LA MINERVE, 2 April 1853.

133. MORNING CHRONICLE, 4 April 1853.

134. MORNING CHRONICLE, 4 April 1853. The following papers ascribed the answer to Mr. At. Gen. Drummond: BRITISH WHIG, 2 April 1853, GLOBE, 2 April 1853, HAMILTON SPECTATOR DAILY, 2 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, NORTH AMERICAN SEMI-WEEKLY, 5 April 1853, EXAMINER, 6 April 1853, and LA MINERVE, 2 April 1853.

135. The following papers reported this Question and Answer in identical accounts: MORNING CHRONICLE, 4 April 1853, NORTH AMERICAN SEMI-WEEKLY, 15 April 1853, and NORTH AMERICAN WEEKLY, 21 April 1853. The following papers reported this matter in partially identical accounts: BRITISH WHIG, 2 April 1853, HAMILTON SPECTATOR DAILY, 2 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, and LA MINERVE, 2 April 1853.

136. MORNING CHRONICLE, 4 April 1853.

137. IBID.

FRIDAY, 1 APRIL 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Morin,--The Petition of the Municipal Council of the County of Terrebonne.

By Mr. Lemieux,--The Petition of the Reverend Etienne Hallé and others, of Ste. Claire and other Parishes; and the Petition of the Municipality of the County of Dorchester, Division Number two.

Pursuant to the Order of the day, the following Petitions were read:--

Of Louis Marchand, of the Parish of Ste. Geneviève de Batiscan, County of Champlain; representing that by virtue of a Lease he has been for a long time and still is in possession of the Banal Grist Mill of the Seignior of Batiscan, in the said Parish, pertaining to the Jesuits' Estates, and praying that he may be allowed to purchase the said Mill and site, or otherwise obtain a long Lease therefor, in order to improve the same.

Of Joseph Thibodeau and others, of the Parish of St. Joseph de Maskinongé, County of St. Maurice; praying for certain amendments to the Education Law of Lower Canada.

Of Charles Cazeau and others, licensed Cullers for the department of Deals, Planks, Boards, and Lathwood; praying for a certain amendment to the Act 8 Vic. cap. 49, called the Cullers' Act.

Of O. Martineau, Esquire, and others, of the Counties of Kamouraska and Rimouski; praying that the Petition of Joseph Robitaille, Esquire, representing that for twenty-two years he served in Parliament as [the] Member representing the County of Cornwallis, now the said Counties of Kamouraska and Rimouski, for which he received no compensation, and that now in his old age he is left unprovided for, and praying indemnity in consideration of the premises, may be granted.

Of Charles P. Treadwell, Esquire, and others, of L'Orignal and its vicinity; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Provincial Canals.

Of the Montreal Board of Trade; praying that a certain proposed Bill to amend the Act of this Session providing for the improvement of the Harbour of

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Montreal and the deepening of Lake St. Peter, and the improvement of the navigation of the St. Lawrence, may be passed into a Law.

Of Paul Bedford and others, of the Township of Norwich; praying for the incorporation of a Company to construct a Railroad from the Galt Junction of the Great Western Railway, running through Brantford, Norwich, and St. Thomas, to Malden on the Detroit River.

Of Christopher Mullins and others, Censitaires of the Seignior of Shoolbred, in the District of Gaspé; complaining that they are exposed to unjust exactions on the part of the Seigniors, and liable to be arrested for arrears of rent on going into the Province of New Brunswick, and that the quantity of land paying rent to the Seigniors is greater than by their titles they have right to, and praying relief in the premises.

Of Miss Marquerite de Lanaudière and others, Proprietors of Seigniories; praying that the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof, may not pass into Law, but that a Commission be appointed to provide for the abolition of the Seigniorial Tenure upon an honorable basis, securing to them adequate indemnity, and that one of the Commissioners be a Seignior elected by the Petitioners.

Mr. Christie, from the Standing Committee on the Public Accounts, presented to the House the Second Report of the said Committee; which was read, as follows:--

Your Committee have the honor to report that, in pursuance of the duty entrusted to them, they have, since their First Report, carefully examined several of the Public Accounts for 1851, calling for explanations where they appeared necessary; but that owing to the press of other business to which several of the Members have been called away, a mass of matter still remains for examination, to which they will give their attention as early as possible, deeming it proper, in the mean time, to submit the following:--

Your Committee observe that the expenses under the head of "High Constables, East," in Account No. 20, appear so considerable as to deserve the attention of the Executive. Of those Officials there are, in Lower Canada, four, viz: one in each of the Districts of Quebec, Montreal, Three Rivers, and St. Francis, whose salaries collectively (the highest being only £40) amount to £140, but for whose services no less than £2,486, over and above their salaries, are charged, making a total of £2,626, for services to the High Constables, an amount, as Your Committee deem it, excessive, considering their duties. Your Committee suggest for the consideration of the Executive, whether it may not be advisable, instead of persisting in the present system, open, as Your Committee apprehend, to grave objections, to increase their salaries, defraying only such disbursements as in the due performance of their duties, and in good faith they may have laid out or become liable for.

Your Committee have cause to believe, from inquiries they have made on the subject, that the High Constables charge, and are paid, mileage on the service of writs, subpoenas, and other orders of Court, where, in fact, they have only disbursed for postage by mail, deriving therefrom a very considerable income, but constituting an abuse that ought to be corrected. In the mean time, the Law Officers of the Crown, entrusted with the prosecution of criminal offences in the Courts of Law, should be required scrupulously to supervise the expenses under this head chargeable against the revenue by the High Constables, taking care, as far as it may be in their power, that such disbursements only as are necessary and unavoidable, and none other, be defrayed at the public cost.

The attention of Your Committee having been drawn to an item of £104 19s. 9d., in Account No. 23, "for Commission to the Collector," at 5 per cent. on £2,099 16s. 1d. being "the amount of Tonnage duty levied at Quebec during the season of 1851," under the Act 6 Will. 4, cap. 35, continued by 14 & 15 Vic. cap. 68,

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to provide for the medical treatment of Sick Mariners, they have inquired by what authority this deduction in favor of the Collector was made from the fund in question. The Act 8 Vic. cap. 4, sec. 4, provides that the salary or pay allowed to the Collector "shall be in lieu of all fees, allowances, or emoluments of any kind whatsoever, except actual and authorized disbursements, shares of seizures, forfeitures and penalties excepted." The Collector, consequently could not make any such charge or deduction, on his own behalf, for collection of the monies constituting this fund, nor authorize another to do so. Your Committee, however, have satisfactorily ascertained that although the item (£104 19s. 9d.) in question is charged as "Commission to the Collector," the money has not been deducted for his benefit, but has been allowed by the Executive, under, it is presumed, a liberal interpretation of the aforesaid Act (6 Will. 4, cap. 35,) to a deserving subordinate officer in the Customs Department of Quebec, specially charged, in addition to his ordinary duties, with the collection of this Tonnage duty to provide for the medical treatment of Sick Mariners, in compensation of his extra services in that respect, the same allowance having been made for some years previously, by an Order of the Governor in Council (copy whereof, dated

31st October, 1838, is hereunto annexed,) to his immediate predecessor in office. The same remark applies also to the item of £37 5s. 10d. in Account No. 32, for Commission on the collection of £746 15s. 10d. Tonnage duties under the Act 14 & 15 Vic. cap. 25, for defraying the expenses of the Quebec River Police.

The rates or duties imposed by Act 12 Vic. cap. 6, on Passengers or Emigrants arriving at the Port of Quebec in 1851, appear, by Account No. 28, to have amounted to £12,079. The sum paid "on account of Emigration expenses for the year 1851," is stated at £5,563; and that "on account of salaries and other expenses at Grosse Isle" for the same year, at £2,680. There is moreover, a deduction of £275 by the Collector of the Customs at Quebec "for boat hire and other services as authorized by the Commissioner of Customs." On calling for the vouchers authorizing the expenditure of the said amount, and of its application, it appears that by Letter of the 7th April, 1851, from the Collector (Mr. Dunscomb) to the Commissioner of Customs, it was represented that with a view to the carrying into effect the said Act 12 Vic. cap. 6, relating to Emigrants, viz: for boarding and overhauling ships arriving with such, and mustering those on board liable to the Emigrant rates, the service would require a Boarding Officer and boat's crew of four men, and a suitable boat, the cost of all which he estimated at £275 for the first year (1851,) and thereafter at £250. He accordingly requested to be "furnished with authority to deduct the same from the gross collections of the Emigrant tax." To this application there was subjoined the following estimate of cost, viz:--

| | | | | | |
|---|---|-----|---|---|----------|
| Boat, oars, sails, rigging and fitting,..... | £ | 35 | 0 | 0 | |
| 4 men, at £5, May to November, 7 months,..... | | 140 | 0 | 0 | |
| Coxswain and Boarding Officer,..... | | 100 | 0 | 0 | |
| | | | | | £275 0 0 |

The proposal and estimate of the Collector were approved of, by Letter dated 3rd May following. Your Committee find, however, on production of the vouchers, that instead of a row-boat with oars, sails and suitable fitting, proper for the boarding of ships in ordinary weather, and to cost, as estimated, but £35, a schooner-rigged decked vessel has been built, of some nine tons measurement, upon the construction and equipment whereof the Collector has unauthoritatively expended upwards of four times (£141 9s. 2d.) that amount, an assumption exceedingly reprehensible, in the opinion of Your Committee, more especially by an Official charged with the important trust of collecting the public revenue, and such as they deem it an imperious duty to remark upon and disapprove.

The amount allowed (£275) for the service of the year 1851, has not, it is

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true, been exceeded, but the Collector, in deviating from his estimate, has thereby misapplied so much. The whole sum is, indeed, of itself inconsiderable, but not so the principle involved in the mis-application in question, which, if allowed to pass unnoticed, might become a most inconvenient and dangerous precedent.

MINUTES OF EVIDENCE.

Robert Christie, Esquire, in the Chair.

Tuesday, 12th October, 1852.

Joseph Cary, Esquire, Deputy Inspector General, called in; and examined:

1. You have been desired, at previous sittings of the Committee, to produce the vouchers of the outlay of £200 advanced (as per Account No. 39) to Dunbar Ross, Esquire, "to enable him to defray the expenses of the conveyance of Prisoners to England, charged with the commission of murder on the high seas," or to explain to the Committee how the amount has been laid out; are you now prepared to produce the vouchers, or to give the necessary explanation; if not,

what is it that prevents you?--The Account has not yet been rendered to our Department by Mr. Ross, although I have twice called upon him by Letter since the sitting of this Committee. I can give no statement whatever till I receive an answer to my application; he has taken no notice of it yet.

2. When was the money issued to Mr. Ross?--In the month of November, last year.

3. When did the Prisoners sail for England?--I cannot say precisely, but I understand that it was shortly after the money was given to Mr. Ross.

4. Then you have every reason to believe that the money was laid out about that time?--I have.

5. Are you aware of any reason or impediment which Mr. Ross may have for not accounting for it sooner?--I am not.

6. He has now, however, had nearly a year to account for it?--He has; but no account has yet been rendered.

Thomas A. Begly, Esquire, Secretary of the Board of Public Works, called in; and examined:

7. The Committee, in looking into the expenses incurred (£6306 1s. 4d.) in defraying the removal of various Officers of the Government from Toronto to Quebec last autumn, desire to know from you on what principle the various items to the several Officers, as stated in the Account (A.) now shewn to you, were apportioned and fixed?--I cannot say exactly on what principle the sums paid to the respective Public Officers for the removal of themselves and their families were apportioned and paid; all I know of the matter is, that I was directed by the Chief Commis[s]ioner of Public Works, to prepare a statement of the probable expense of the removal from Toronto to Quebec, based on the cost of the removal from Montreal to Toronto, and afterwards to make a statement of the amounts which, in my opinion, it would be fair to allow to the Public Officers for the removal of themselves and their families to Quebec. This I have done, with the assistance of the Book-keeper; but the amounts paid differed in many instances from those so apportioned, deductions having been made from some, and additions made to others.

8. Can you produce to the Committee the sketch you prepared; if so, hand it in. Let the Committee also know, if you can, how much has been paid for such removal to the Officers of the Government respectively, down to the present time?--The Statement I now hand in is a copy of that prepared by the Book-keeper and myself; it shews the amounts so apportioned by us, based on the numbers of the respective families, as furnished by the heads of Departments of the Government, and on the quantity of their furniture, so far as we were able to judge. In addition, it gives the amounts paid up to this date, as required.

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Saturday, 16th October, 1852.

Mr. James MacLaren, Gaolor of the District of Quebec, called in; and examined:

9. The Committee wish to know the names of the two Prisoners who, some time last fall (1851,) were in your custody on a charge of murder on the high seas, and who were sent to England for trial there; also, the date of their being shipped by you in this port for England, the name of the vessel in which they were shipped, and in whose custody?--Their names, in the warrant of commitment, were Anthony Burts Urgent, and Frank Murray, charged with an assault on the high seas with intent to murder. They were taken out of my custody on the 16th November, 1851, by order of the Police Magistrate, Mr. McCord, and, as I understood, put on board the "Lady Bulwer" for England. They were put in custody of Michael Barrett and James Staton, policemen or constables, who accompanied them to England, and have since returned to this City, where they now are.

Joseph Cary, Esquire, Deputy Inspector General, again called in; and examined:

10. Is it in your power to produce the vouchers for the outlay of £200, advanced to Dunbar Ross, Esquire, according to Account No. 19, or can you give the Committee any statement in detail of the application, in whole or in part, of this money?--It is not; Mr. Ross not having rendered an account of the expenditure of that sum, as he was required and had promised to do. On my calling upon him for it this morning previously to attending on this Committee, he sent word by the messenger that the Account was about being copied, and it would be sent to me.

11. What is the date of the warrant under which the £200 was advanced to him?--The date of the warrant is the 15th November, 1851, and the money was advanced to Mr. Ross the same day, by the Receiver General.

Wednesday, 27th October, 1852.

The Honorable Joseph Bourret, a Member of the Legislative Council, called in; and examined:

12. You filled the office of Chief Commissioner of Public Works when the Seat of Government was removed from Toronto to Quebec, last autumn?--Yes.

13. What was the precise date of the removal, or of the order given therefor?--The Public Offices were closed at Toronto on 20th September, 1851, with directions for their removal as early as possible, so as to open in Quebec on 10th October following.

14. Did not the duty of determining and fixing the allowance that should be given to each Official out of the £5,000 voted to defray the expenses of the removal from Toronto to Quebec devolve upon you?--Yes.

15. The Committee wish to be informed if in apportioning the amount so voted to the several Officers, you adopted any general rule, and what; whether, for example, you divided the indemnity among them according to their stations and rank, or by the number of their respective families, assigning to each, after inquiry as to the family with which he was charged, the sum you thought proper to his condition or wants?--The division was made according to the number of their respective families, and the quantity of furniture belonging to each.

Tuesday, 1st March, 1853.

Joseph Cary, Esquire, Deputy Inspector General, again called in; and examined:

16. The Committee observe, in Account No. 23, of 1851, (Tonnage duties under Act 6 Will. 44, cap. 35, continued by 14 & 15 Vic. cap. 68, to provide for medical treatment of Sick Mariners) a deduction of £104 19s. 9d. stated as "Commission to the Collector" for 5 per cent. on "Tonnage duty levied at Quebec during the season of 1851," amounting to £2,099 16s. 1d.; and desire to be informed by what authority this deduction is made by the Collector, whose fixed

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salary, as the Committee are at present advised, is, according to the 4th Section of the Statute under which he hold[s] his Commission (8 Vic. cap. 4) "in lieu of all fees, allowances, or emoluments of any kind whatsoever, except actual and authorized disbursements, shares of seizures, forfeitures and penalties?"--I produce copies of the Order in Council of 6th July, 1838; of the Letter of the Collector of Customs of Quebec, of 11th July, 1851, addressed to the Commissioner of Customs; and of the reply of the latter Officer, dated the 15th of the same month. On perusal of these documents it will be seen that the amount deducted from the collections in question, was not applied to the emolument of the Collector of Customs, but to remunerate a Clerk in the establishment employed in the collection of and accounting for these particular duties, and whose income,

otherwise, was extremely moderate. I am authorized to state that no such deduction is to be made in future, the salaries of the Clerks and other subordinates of the Customs being increased.

EXTRACT from a Report of a Committee of the Honorable the Executive Council on Matters of State, dated 6th July, 1838, approved by His Excellency the Governor General, in Council, on the 31st October following:--

On the memorial of Mr. James Prendergast praying for remuneration for the additional duty, risk, and responsibility imposed upon him under the Act 2 Will. 4, cap. 17, imposing a Tax on Emigrants, and under 6 Will. 4, cap. 35, imposing a Tonnage duty for the relief of Sick Mariners.

The Committee humbly recommend that Mr. Prendergast be allowed five per cent on the amount of Tonnage duty collected, which they conceive to be a fair and moderate remuneration for the services imposed upon him by the two Acts 2 & 6 Will. 4.

Certified, Wm. H. Lee,
Acting C.E.C.

To the Honorable

The Inspector General, &c., &c., &c.

Custom House, Quebec, 11th July, 1851.

Sir,--In transmitting the "Hospital Tonnage dues Account" herewith, for the quarter ending the 5th July, I desire to bring to the notice of the Inspector General, that by a Minute of Council, approved of by the Governor General on the 5th of July, 1838, the Officer taking these dues was allowed to deduct 5 per centum on the amount collected.

That this money is collected in very small sums, varying from 1s. 10d. upwards, and involves great trouble and risk of mistakes being made, and requires the Officer's attendance before and after hours.

That the above allowance was enjoyed by Mr. Prendergast, the late Clerk, for 13 years; Mr. Prendergast, at the same time, being in receipt of a salary of £305 currency, per annum.

That Mr. N.N. Ross, whose salary is £125 currency, per annum, has taken the Tonnage dues, and has retained the same allowance; and as he is a deserving and meritorious public servant, I respectfully express a hope that the Inspector General may approve thereof.

I have, &c.,

(Signed,) J.W. Dunscomb.

R.S.M. Bouchette, Esquire,

Commissioner of Customs, Toronto.

No. 21.

Inspector General's Office,

Customs Department, Toronto, 15th July, 1851.

Sir,--I have the honor to acknowledge the receipt of your communication of the 11th instant, transmitting the "Hospital Tonnage dues Account" for the quarter ending the 5th July; and in reply to that part of your letter which has reference

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to allowance of 5 per cent granted by the Minute in Council of the 5th July, 1838, to the Officer on account of the dues so collected, I beg to inform you that the per centage in question is to be continued to Mr. N.N. Ross as hitherto to Mr. Prendergast, his predecessor in the discharge of that duty, and the Inspector General authorizes you accordingly to make the deduction, or to approve of the same being made by the Collector of the dues, in the manner sanctioned by the Government in Council, by the Order of the 5th July, 1838, referred to.

I have, &c.,

(Signed,) R.S.M. Bouchette

To the Collector of

H.M. Customs, Quebec.

Wednesday, 2nd March, 1853.

Joseph Cary, Esquire, Deputy Inspector General, again called in; and examined:

17. It is matter of public notoriety that an increase of salaries has been allowed the sub-officials in the Customs Department of Quebec,--was any Statement called for and given in at any time previous thereto, shewing the salaries and emoluments actually received by them, upon which the increase has been awarded them; and if so, can you produce it for the satisfaction of the Committee?--On inquiry, I am informed that no such Statement was called for or required,--the records of the Department being sufficient to afford the necessary information.

Friday, 4th March, 1853.

Mr. N. Neilson Ross, a Clerk in the Customs Department of Quebec, called in; and examined:

18. The Committee understand that you have received, for your own use, and above your salary, the amount of £104, being the per centage, at 5 per cent. on the collection of £2,099, Tonnage duties, during 1851, at Quebec and Montreal, for the medical treatment of Sick Mariners, as stated in Public Account No. 23, now shewn you; is such the fact?--I received the sum of £104 for collecting the Tonnage on Hospital dues at the Port of Quebec, over and above my salary. Prior to my receiving this per centage, my salary was £137 currency; then I was only a subordinate Clerk. It was reduced on the 5th January, 1851, to £125. The July following, I was allowed the per centage above mentioned of 5 per cent. This allowance had been made to Mr. Prendergast for the space of thirteen years, whose salary was £305 currency.

19. Was there then, or is there now, any condition or understanding, on your receiving this per centage, that if it were objected to and disallowed you were to refund it?--There was no such understanding or condition.

The following Letter was subsequently received from Mr. Ross, addressed to the Chairman of the Committee:--

Custom House, Quebec, 18th March, 1853.

Sir,--In accordance with the expressed wish of certain Members of the Committee of the Honorable Legislative Assembly on the Public Accounts, I beg most respectfully to state that the duties with which I am charged in the Customs Department of this Port, are:--

To receive, examine and number the Reports and Manifests of vessels inwards.

To receive, examine and number the Reports and Manifests of vessels outwards.

To receive the Entries of vessels outwards, with Sufferances and Jerque Notes.

To write the Clearances of the vessels outwards, specifying in writing the particulars of the cargoes,--exactng from the party or parties clearing the vessels, a Certificate that all Trinity dues have been paid.

To write the Clearances of vessels trading Inland, giving the particulars of goods transhipped, removed in bond, or in transit to the United States.

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To take charge of the Bonds.

To collect the Emigrant Tax, taking care that the Emigrants are properly rated, and charged according to law.

To collect the Tonnage and Water-Police dues, which collections are made in very small sums varying from 1s. 10d. and upwards,--a duty involving much trouble and risk of mistakes, and requiring extra attendance both before and after hours, particularly when 100 or 150 vessels arrive together, as is sometimes the case.

To keep the Emigrant Tax Book, giving a detailed account of the collections.

To keep the Tonnage and Water-Police Book, giving a detailed account of the

collections.

To keep Tonnage Books inwards and outwards, shewing the different Countries from which the vessels arrive, British and Foreign, with cargo and in ballast, and the Nations to which they belong, and also the various Countries to which they clear, &c.

To keep the Collector's Cash Book, shewing the particulars of the cash received, and payments made.

To make out quarterly and annually the Collector's Accounts Current with the Government; Accounts of salaries and incidents, Emigrant Tax, Tonnage, and Water-Police dues and other accounts, with vouchers.

To take charge of Letters inwards and outwards, writing and copying Letters of correspondence, &c.

To assist in making up numerous and important Returns required by the Inspector General, &c.

The foregoing are only a part of the multifarious duties with which I am charged, it being impossible to give them all in full detail; seldom a day passes during the business season without some information being required in relation to the general business of the Customs.

Previous to the year 1851, when the Customs were more immediately under the control of the Home authorities, there were four Clerks and two extra assistants in the Long Room; at present there are only two Clerks.

You are aware that I have been upwards of eight years in the Customs Department of this Port, and am consequently well acquainted with all the routine business of the Customs.

When the recent change took place in 1851, I expected promotion; but in this I was disappointed, my salary being reduced to £125 per annum. The Collector considering that I merited a larger Salary than that allowed me, made application on my behalf to the Commissioner of Customs for the usual per centage on the Tonnage dues; and in answer received an order from the Inspector General to the effect that I was to receive 5 per cent on the amount of all such collections.

And I would here beg to observe, that my predecessor enjoyed for about 13 years, 5 per cent on the amount of all the Tonnage and Water-Police dues collected, together with his salary of £305 currency, per annum; and if it was not according to law that he received such a per centage, it was at least considered strictly according to justice, that the person collecting these dues should for this extra work receive an extra emolument.

I humbly trust that the Honorable Committee on the Public Accounts may be pleased to take the foregoing statement under their consideration, and give such aid as may be necessary to restore to me the per centage of which I have for the present been deprived.

I have the honor to be, Sir,

Your most obedient Servant,

N. Neilson Ross.

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Friday, 11th March, 1853.

Joseph Cary, Esquire, Deputy Inspector General, again called in; and examined:

20. The Committee observe by your vouchers of the expenditure of £275 "for boat hire and other services, as authorized by the Commissioner of Customs," that there is an item of £81 for the building and fitting out of a boat for Her Majesty's Customs, and £39 more, for sails, &c., with other items, making in all a total of £140, and wish to know what description of boat or vessel the same may be, whether impelled by sails only or by oars, the particular purposes for which she is used or may be useful, and how long since such a boat has become

necessary to the service, and whether, besides it, there are any other boats in the service of the Customs, and of what description? The Committee desire you will answer as fully as you can to all these particulars at its next sitting.

Tuesday, 15th March, 1853.

Joseph Cary, Esquire, was again called in; and handed in the following in reply to Question No. 20, put to him at the last sitting:--

I now produce the Letter of the Collector of Quebec, of 12th instant, descriptive of the boat, its uses, &c. I believe such a boat was not in use before 1851. The cost for boats, crews, &c., was, in 1849, £263 8s. 4d., in 1850, £193 16s. 1d., (as will be seen below). There appeared to be two boats in use in these years.

Amount charged for boat service in Accounts for 1849 and 1850, furnished by Mr. Jessopp, late Collector for the Port of Quebec:--

| | | | |
|--|------|----|----|
| One year's allowance for boat (1849).... | £ 41 | 13 | 4 |
| Boatmen..... | 110 | 17 | 11 |
| Extra ditto..... | 100 | 0 | 0 |
| Repairs..... | 10 | 17 | 1 |

Total for 1849.....£263 8 4

| | | | |
|--|------|----|---|
| One year's allowance for boat (1850).... | £ 41 | 13 | 4 |
| Boatmen..... | 117 | 9 | 8 |
| Extra ditto..... | 21 | 5 | 6 |
| Repairs..... | 13 | 7 | 7 |

Total for 1850.....£193 16 1

Custom House, Quebec, 12th March, 1853.

Sir,--I have the honor to acquaint you, in accordance with the request conveyed in your communication of yesterday's date, that the boat in question measures as follows:--

| | |
|--|-------------------|
| Length, over all,..... | 28 feet 6 inches. |
| Length, from fore part of stem to after part of stern post, 27 " | 6 " |
| Breadth over all,..... | 11 " 7 " |
| Tonnage 9 153/3500. | |

The boat is propelled either by sails or oars; generally by sails, as she then requires only a man and a boy. She resembles in every respect the class of boats used by the Pilots on this River, except that she is decked to afford protection in bad weather.

The boat is rigged as a Schooner with two masts, jib, foresail and mainsail.

With regard to the particular purposes for which she is used, or may be useful, Mr. Lambert, the Tide Surveyor, reports her as most serviceable for

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boarding vessels, more particularly at the ballast ground, which saves a boat's crew a pull of 15 miles, and also for the same duty at Indian Cove, round Point Lévi, about 10 miles distance.

My first intention was to have built an ordinary gig of the same length, and pulling four oars; but when the Tide Surveyor ascertained that it was not my intention to require all vessels arriving in Port to bring up opposite the Town, which had previously been the practice, but against which the Trade loudly remonstrated, he suggested that the boat should be decked, and fitted with sails, as no boat's crew could possibly go through with the work. Mr. Lambert never passes a day, I think I may even not except Sundays, without going on the water.

Mr. Fife, the former Tide Surveyor, had not, I am informed, hardly been on board of a boat for many years. I mention this circumstance to shew that Mr. Lambert's opinion is entitled to consideration, as the working man of that department.

The Port extending as it does many miles up and down the River, a decked boat is sometimes useful in visiting different quarters thereof.

In the fall of 1851, "A report having reached Quebec, that the Schooner Santos Primos from Oporto, with a valuable cargo of wine was wrecked down the River, and that the cargo was likely to go into consumption without payment of duty, I despatched the first named officer, Landing Waiter Thompson, in the Custom House boat, to the wrecked vessel, with instructions to exercise a strict supervision over the cargo.

Extract from
Letter dated
3rd February
1852.

"The season was advanced, and weather stormy. Mr. Thompson undertook the task cheerfully, and performed it satisfactorily, and after having seen the cargo safely transhipped into a Schooner, returned to Quebec; the cargo consisting of 188 Quarter Casks Port wine, 9 Hhds. do., 3 Pipes do., 4 Quarter Casks do., 2 Pipes do., 49 Baskets Corks and loose Cork wood, 19 Baskets Corks, 18 Boxes and 25 Barrels Onions, and 8 Boxes Lemons, rigging, anchors, chains, sails, &c., arrived in Port, and all duty was collected thereon."

In 1852, during the slack period of the season, I went down the River for ten days or a fortnight, in the boat, and visited several American vessels loading deals, at the different establishments below.

The boat, besides assisting in the daily service of boarding vessels, affords means of preserving a tolerable supervision over the vessels in Port.

The excess of the cost of the boat in question, decked and provided with sails, over the cost of a four-oared gig, such as I first intended to have built, you will not fail to observe would be fully covered in one season, by the difference in the wages to the hands.

I have the honor to be, Sir,
Your most obedient Servant,
J. W. Dunscomb.

Joseph Cary, Esquire,
Deputy Inspector General, Quebec.

No. 1. Custom House, Quebec, 7th April, 1851.

Sir,--I do myself the honor to request the favor of your directing Mr. Hincks' attention to the Act 12 Vic. cap. 6, "An Act to make further provision respecting Emigrants," with a view to point out the necessity for immediate provision being made for the mustering of Passengers for the Emigration Tax, the boarding and overhauling of all vessels coming into Port.

The expense attending this service, I respectfully submit, will be properly chargeable upon the gross collection under the law, and the rigid performance of the duty will not only, undoubtedly, largely increase the receipts, but likewise

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ensure the observance of those enactments which a humane and enlightened policy has provided for the comfort and protection of the Emigrant.

The service will require a Boarding Officer and boat's crew of four men, and a suitable boat; the cost of which is estimated, for the first year, at £275, and hereafter at £250.

The Boarding Officer, besides the performances of the duty now pointed out as necessary to be done under the law, will be able to furnish the Collector with a list of arrivals daily, and thus secure a prompt report of all vessels; will likewise be able to examine the vessels as well as passengers' baggage, amongst which, it appears, there is constantly many dutiable articles stowed away and

concealed, and will also be able to place a Tide Waiter on board, and in charge of all vessels with cargo.

It may be proper to explain that this duty has been done heretofore by the Tide and Assistant Tide Surveyors, with two boats, and has been charged in the Customs Establishment. The present Establishment, however, having been framed only with a view to Customs duty, contains no provisions whatever for this service, and the boats, Mr. Jessopp informs me, belong to the Imperial Authorities, who have ordered one, unseaworthy, to be sold, and the other to be put in order for the use of Mr. Bruce, Controller of Navigation Laws.

I suggest that an allowance, not exceeding £275, for the season of 1851, and not exceeding £250 hereafter, be made for this service, and that I may be furnished with authority to deduct the same from the gross collections of the Emigrant Tax.

I have the honor to be, Sir,

Your obedient Servant,

(Signed,) J. W. Dunscomb.

R.S.M. Bouchette, Esquire,
Commissioner of Customs, Toronto.

(True Copy,)

R.S.M. Bouchette.

ESTIMATE OF COST.

| | | | | |
|--|---|------|---|---|
| Boat, oars, sails, rigging and fitting,..... | £ | 35 | 0 | 0 |
| 4 men at £5, May to November, 7 months,..... | | 140 | 0 | 0 |
| Coxswain and Boarding Officer,..... | | 100 | 0 | 0 |
| | | | | |
| | | £275 | 0 | 0 |

R.S.M.B.

(Copy.)

Inspector General's Office,
Customs Branch, Toronto, 3rd May, 1851.

Sir,--I have the honor to acknowledge the receipt of your letter of the 7th ult., pointing out the necessity of immediate provision being made for carrying out the provisions of the 12 Vic. cap. 6; and having submitted the same to the Inspector General, I have now to inform you that he approves of your suggestion, that an allowance not exceeding £275 for the season of 1851, and not exceeding £250 hereafter, be made for the service referred to in your letter, and I am to authorize you to charge the same against the gross receipts or collections of the Emigrant Tax, and deduct it accordingly.

I have the honor to be, Sir,

Your obedient servant,

(Signed,) R.S.M. Bouchette,
Commissioner of Customs.

To the Collector of Customs,
Port of Quebec.

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PORT OF QUEBEC.

Statement of Monies paid out of Emigrant Tax Collections, for Boat Service, in the year 1851.

| | £ | s. | d. | |
|---|----|----|----|----------------|
| Boat Builder's Account..... | 81 | 4 | 9 | Voucher No. 1. |
| Sail Maker's do | 39 | 7 | 11 | do 2. |
| Gordon, Wilson & Co., (Iron ballast)..... | 8 | 2 | 6 | do 3. |
| John Gregg's (Caulker)..... | 8 | 0 | 0 | do 4. |

| | £ | s. | d. | |
|--|-------|-------|-------|----------------|
| Robert Greig's (Sheaves and Blocks)..... | 1 | 1 | 2 | Voucher No. 5. |
| Methot, Chinic & Co., (Chain)..... | 3 | 12 | 10 | do 6. |
| Lambert, Audy, Bowden, Goodman, Morrissey, and Durham's wages for Boat service..... | 133 | 10 | 10 | do 7. |
| | <hr/> | <hr/> | <hr/> | |
| £ | 275 | 0 | 0 | |

Thursday, 17th March, 1853.

Captain Edward Boxer, R.N., Harbour Master, called in; and examined:

21. The Committee perceive by the Public Accounts of 1851, that considerable expense has been incurred in the building and equipment of a small Schooner-rigged decked vessel, of some nine tons, for the use of the Custom House in this port, in boarding ships, being considered preferable to row-boats formerly in use for this purpose; do you think a vessel of that kind is better adapted for that service than a row-boat, the strong tides and prevailing winds in the St. Lawrence considered?--I do not.

22. Have you seen the Schooner-rigged decked vessel alluded to, in use by the Customs, and if so, do you think she is well suited for boarding ships as they arrive in Port; is her outfit, as she is, requisite and proper for a boat or vessel used for boarding purposes; and was a vessel of that description required or thought necessary for boarding when that service was performed by the Harbour Master or Captain of the Port; and is such, in your opinion, really necessary or not?--I have seen her, and I do not think her a proper craft for boarding vessels on their arrival in this Harbour. This duty was never performed by the Harbour Master. In my opinion this boat is not fit for boarding; the only purpose to which she could be usefully applied would be by anchoring among the ships at the ballast ground, with a row-boat attached,--the advantage of such a boat being the protection of the crew from the weather. She might also be useful in case of wrecks in the River, for superintending the delivery of the cargo, and prevention of smuggling.

23. What are the established limits of the Port of Quebec, according to law?--The Port of Quebec is defined by 12 Vic. cap. 114, sec. 11, as follows: "All that part of the River St. Lawrence between the Basin of Portneuf, inclusively, and the Gulf of St. Lawrence; that part of the Gulf of St. Lawrence which is comprised within the limits of this Province, or which borders upon its coasts; and that part of all rivers, waters, creeks, bays, and coves, within the said limits, where the tide ebbs and flows." And the Harbour of Quebec is defined by the 12th Section of the same Act, as follows: "That part of the River St. Lawrence between St. Patrick's Hole, inclusively, and the Cap Rouge River inclusively, and that part of the Rivers Montmorency, St. Charles, Etchemin, Chaudière, Cap Rouge, and others, where the tide ebbs and flows."

24. Does it rest with the Collector of the Customs of the Port of Quebec to direct where ships or vessels arriving from sea shall bring up or come to anchor in the Port; or does that power rest with some other authority, and whom?--All Emigrant ships, and ships with cargoes, are anchored off the Town; ballast ships are allowed to proceed at once to the ballast ground.

25. Are you of opinion that two row-boats would suffice for the service of

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the Collector of Customs in the Port of Quebec, independently of the Schooner-rigged decked vessel above mentioned; and do you think she might be dispensed with? If a third boat be really necessary, would not a row-boat answer the purpose quite as well, if not better?--Two boats would be sufficient, provided they had a station house at the ballast ground. In the absence of the station house, three row-boats would be much more serviceable than the Schooner-rigged vessel

with two row-boats, for the suppression of smuggling, and the boarding of vessels. But I am of opinion that a station house for a boat and a boat's crew should be established at the ballast ground, to facilitate the boarding of vessels on their arrival at that anchorage.

Saturday, 19th March, 1853.

Mr. Thomas Lambert, Tide Surveyor in the Customs, Quebec, called in; and examined:

26. You are Tide Surveyor in the Customs of Quebec?--I am.

27. What is your particular duty as Tide Surveyor, and how long have you been employed at that duty?--I have been thirteen years Assistant Tide Surveyor, and two years Tide Surveyor: I board the ships on their arrival, take notes of where they are from, and their cargo; and muster the Emigrants for the collection of the tax, and to ascertain that the vessel has not carried more Emigrants than the law allows. I put the Tide Waiters on board on the arrival of ships, certify their time for the number of days they have been on board, and give them an order for their pay. When the ship is reported discharged, I examine her myself to see that the report is correct.

28. In boarding vessels arriving in Port, do you use an open row-boat, or the Schooner-rigged decked vessel belonging to the Customs?--We generally use both every day.

29. How many men are employed in the two boats?--Five men in all; that is, for the decked vessel and the row-boat.

30. Do you find the decked vessel as convenient for boarding ships as the row-boat?--No, except in rough weather; then we find the decked vessel better suited.

31. Before the year 1851, row-boats only were used by the Customs Department; was the duty as well performed then as since the decked boat or vessel has been provided?--I think the service is better performed now. There were complaints then, but we hear of none now.

Thursday, 24th March, 1853.

Captain Robert Julyan, R.N., Assistant Harbour Master at the Port of Quebec, examined:

32. Are you in the habit of boarding vessels on their arrival in Quebec?--Not now; but I have been in the habit of doing so three or four years ago.

33. What description of boat or vessel is most suitable, in your opinion, for boarding arrivals in this Port of Quebec; for instance, an open row-boat well manned and fitted out for the purpose, or a small decked vessel impelled by sails or oars, as occasion may require?--For general purposes, my opinion is that a row-boat well manned and fitted for boarding vessels arriving at this Port is most suitable in moderate weather; but since the last Trinity Bill was enacted, vessels in ballast are permitted to proceed direct to the Ballast Ground without being boarded until they arrive there, and in blowing weather are at times delayed in consequence of the row-boats not being able to proceed thither from heavy sea and wind, for the Customs to grant the regular clearance, the decked boat then becomes useful to facilitate the trade.

34. Have you seen the Schooner-rigged decked vessel, of nine tons or thereabouts, appertaining to the Customs Department at this Port, and can you say whether she is a more convenient and proper conveyance for boarding vessels than an open row-boat; and is or is she not, in your opinion, necessary to that Depart-

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ment?--I have seen the Schooner-rigged decked vessel appertaining to the Customs Department; and I am of opinion that this craft, combined with the row-boats,

would be most effective for the duties of the Custom House and its general work. In another point of view, I should consider her most useful in case of [a] wreck of a general cargo ship below, to send her down, with a responsible Officer of the Customs, for the purpose of saving and forwarding the goods to Quebec, and preventing the disgraceful sales of valuable cargoes that has heretofore taken place, when vessels have been stranded below, the underwriters plundered and robbed, and the Province defrauded of the duties thereon, by mock sales, &c.¹

MR. R. CHRISTIE ... [went] over some of the items, and remarking especially with a great deal of heat on the fact that the Collector of Customs at Quebec, having been authorized to build a row boat at an expense of thirty-five pounds, had really caused one to be built at an expense of £145--a decked yacht, schooner rigged, fit not for the purpose for which he was authorized to build the boat; but for his own amusement.² This he said in England would lead at once to the discharge of that officer.

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Ordered, That the said Report be printed for the use of the Members of this House.

MR. STREET thought it right to say with respect to this boat, that there was no evidence that this vessel was built for pleasure purposes. Several witnesses hesitated to say that a decked boat would not be very useful for Custom House purposes.³

MR. R. CHRISTIE said that the boat was a pleasure boat, was not the opinion of the committee, but his own.⁴

MR. RIDOUT though[t] this vessel might be very properly employed to protect the interests of underwriters.⁵

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The Honorable Mr. LaTerrière, from the Standing Committee on Standing Orders, presented to the House the Thirty-second Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Mayor and Town Council of Brantford, for incorporation of a Company to construct a Railway from Malden to the Galt branch of the Great Western Railway, and they find the Notice to be sufficient so far as regards the County of Brant; but no Notice appears to have been published within the other Counties through which it is proposed to pass.

Your Committee have re-considered the Petition of John Corbitt and others, praying that the Townships of Biddulph and McGillivray may be detached from Huron and attached to Middlesex, (presented during the earlier part of the Session,) and they find that sufficient Notice has now been given so far as regards the County of Huron; but it is matter of doubt how far the interests of the County of Middlesex may be affected by it, in which no Notice appears to have been published.

The Petition of George S. Tiffany and George J. Grange, for the establishment of a College at the City of Hamilton, is not of such a nature as to require the publication of Notice.

On the Petition of George K. Smith, for incorporation of a Mining Company at Lake Superior, Your Committee find that no Notice has been given.

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Nineteenth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to amend the Charter of the Woodstock and Lake Erie Railway and Harbour Company, and have

agreed to report the same with amendments, which they humbly submit for the adoption of Your Honorable House. They have also considered the Bill to incorporate the Port Whitby and Lake Huron Railroad Company, and have agreed to several amendments thereto, all of which they humbly submit for the adoption of Your Honorable House.

Ordered, That the Bill to incorporate the Port Whitby and Lake Huron Railroad Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Gamble reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Gamble reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

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On motion of the Honorable Mr. Badgley, seconded by Mr. Ridout,

Ordered, That George Okill Stuart, Esquire, a Member of this House, have leave to appear at the Bar of the Legislative Council, as Law Counsel in support of a Bill pending before that House.

Ordered, That the Petition of Joseph Simmons and others, proprietors of farms situate at Rivière St. Pierre and Lower Lachine, County of Montreal, be printed for the use of the Members of this House.

Ordered, That the 64th and 66th Rules of this House be suspended as regards the Bill to incorporate the Canada Military Asylum.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz.:--

Bill, intituled, "An Act to authorize the Municipal Council of the Town of Amherstburg to sell the site of the Old Market in that Town:"

Bill, intituled, "An Act to separate the Township of Georgina from the County of Ontario, and annex it to the County of York."

And then he withdrew.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Morin, That this House will immediately resolve itself into a Committee to consider certain Resolutions on the subject of certain Amendments to the Tariff of Customs and Excise Duties.

The Honorable Mr. Hincks, a Member of the Executive Council, by command of His Excellency the Governor General, then acquainted the House, that His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee;⁶

MR. INSP. GEN. HINCKS rose to move certain resolutions of which he had given notice "on the subject of certain amendments to the Tariff of Customs and the exise [sic] duties." In the early part of this session, he continued, before the adjournment, in consequence of an occurrence which took place, I mean the

resignation of the hon. member for Montreal, the consideration of this policy came up earlier than it otherwise would have done⁷. In consequence of the Government's adopting a certain policy in regard to the St. Lawrence and the Welland Canal,⁸ the hon. member for Montreal who held the office of Chief Commissioner of Public Works resigned his place. After his leaving the Government changes took place in the state of our affairs with regard to the United States. At the time that the hon. member for Montreal resigned his seat, there was little prospect of obtaining reciprocity with the United States⁹ [and] when it was determined to change the policy of the Government, it had been determined to adopt a retaliatory policy towards the United States,¹⁰ but shortly afterwards communications were received from the British Government to the effect that they had determined to adopt stringent measures with regard to the fisheries¹¹. He knew not what motives might have actuated the American Government; but one thing was certain; a few months¹² after the determination of the Government here was communicated to them, negotiations were opened by the British minister at Washington with the United States Government on the subject of reciprocity which had been previously refused to be entertained by that Government. Then, however, these negotiations were pressed on with vigour and with a strong hope of success, and the Government at Washington appeared most willing to enter into them and expressed itself most favorably to this country. It was then known that in all the principal points, an agreement had been arrived at, and that the subject had been laid before Congress during its last session. Although the Presidential [*sic*] election caused a material change in the Government at Washington, I do not know that there is any less desire to come to terms on the question, although there has been a wish shown on the part of that Government to have the question of the fisheries settled on a separate basis. The President of [the] United States, in fact committed himself in his annual message to a desire to settle the question of the fisheries and reciprocity by separate treaties. This proposition, neither her Majesty's Government nor the Minister at Washington would agree to, and, of course, neither would this Government, consequently nothing has been yet done; but Mr. Crampton was very sanguine that the affair would soon be satisfactorily settled, and in the meantime all the warlike spirit shown a short time ago by the United States has disappeared, and the most friendly relations exist between the two countries. It has now been strongly recommended that we should not adopt the¹³ retaliatory policy contemplated in September last¹⁴--circumstances being entirely altered since the time that the Government decided upon following a retaliatory policy. The Government have not in the slightest degree altered their determination of carrying out the spirit of retaliation under similar circumstances to those which first led them to adopt it, but now we do not feel that we should be justified in pressing that policy forward in the present state of affairs. There is, however, one part of that policy which we purpose substantially to adhere to. We propose to make a difference in favor of the St. Lawrence Canals in this manner; we propose that vessels carrying all the principal articles of export, such as wheat, flour, lumber, &c., shall, after paying tolls on the Welland Canal, pass free through the St. Lawrence Canals¹⁵. At the same time, they proposed ... to ... allow ... the leading articles of upward freight to pass the Welland free of toll after going through the St. Lawrence Canals. The articles in question were railroad iron, salt, &c.¹⁶ We think that we can safely try the course which is at present intended as an experiment, without any damage to the revenue in this present highly prosperous state of the finances of the Province. We wish to give the St. Lawrence route all the advantages that we can¹⁷ to enable it to compete with the Erie Canal.¹⁸ Of course there was a strong and natural desire on the part of the mercantile community and of the trade to have these measures brought forward as early a day as possible before

the opening of the navigation, and the only reason of the delay, was that the public accounts were not yet before the House, and ... without them to show the state of the finances of the country, I do not think that we could go on as well as if all the returns were before us. I think that it is possible to make considerable reductions in the taxation, although I do not think that it is expedient to go too far in that reduction, as next year a large portion of the public debt will fall due; but I think that in the present state of the revenue, we may safely make the reductions that I have proposed without any doubt of being able to meet our liabilities. It was not proposed (the hon. Inspector General continued) to make any very extensive changes in the taxation, but they would, nevertheless, cause a reduction in the revenue to the amount of about £75,000¹⁹. Mr. Hincks continued, that in the present state of our finances this might be considered a large reduction; but it was, nevertheless, more in the manner of collecting the revenue than in the revenue itself, that the changes would be made.²⁰ If there was any portion of the taxation first to be reduced, it was evidently the excise duties, on account of the expense attending their collection;--but although they proposed to repeal these duties in Upper Canada, they thought it would be better to continue them in Lower Canada. They proposed to remove all the duties in Upper Canada in the shape of tavern licenses and auctioneer and²¹ hawkers' and pedlars' licenses²²--in fact all the duties commonly called excise duties, except those imposed on distillers and the articles produced by them.²³ The arrangement of the excise duties which he now proposed, was hastened perhaps, though not caused, by the necessities arising out of the proposed extinction of the Seignior[i]al tenure.²⁴ In Lower Canada, where it was proposed that these duties should continue, it was proposed that they should be specially set apart to form a fund for the compensation of the Seigniors and others affected by the bill now before the House, for the commutation of the Seigniorial Tenure. I now propose, the honourable Inspector General continued, and I trust it will not be thought an unreasonable proposition that as there is a class of officers who have been paid from that portion of the revenue which is thus to be abolished, and as these funds are to be made over to the municipalities, to allow these men who will be deprived of their office, one year's salary by way of compensation. To this we trust that hon. gentlemen will not object. With regard ... to the tavern licenses there have been many complaints and many remonstrances and petitions²⁵ made to the government, as well on account of the mode and expense attending the collection of them, as on account of the amounts charged; and he thought the municipalities would collect this description of taxes much more inexpensively, and arrange the whole machinery of these licenses much better than the Government could do.²⁶ It is now proposed to get rid altogether of the officers by whom these duties have been collected and give them as compensation one year's salary.²⁷ He then recited the second resolution²⁸. By the second resolution it is proposed to empower the various municipalities in Upper Canada to impose duties in place of those which are to be repealed, which duties shall belong to the municipalities by whom they are collected, and who shall employ their own officers to collect them. The third resolution relates to the compensation to be given to the revenue Inspectors at present employed. The principal article on which we propose a reduction is SUGAR, about which the most complaint has been made. I would like to go further than I have now done, but I do not find that at present any further reduction would be advisable. The reduction that we propose on this article is as follows:--On refined sugar, in loaves, or crushed, or candy, from fourteen shillings per cwt., to ten shillings, and on bastard sugar and all other kinds, from nine shillings per cwt. to six shillings. The whole amount of this reduction in the year would probably amount to £30,000.²⁹ The proposition of the Board of Trade of Montreal was to establish a uniform rate on this article of 5s. per cwt. That, however, would be too great a reduction, and I trust the amount imported will, from the reduction proposed,

increase so that there will not be so much loss to the revenue as might be expected.³⁰ But it was as great as it would bear in his opinion.³¹ The reduction on molasses would also be considerable.³² There will ... be a reduction ... from 3s. per cwt. to two pence per gallon. This article has hitherto been paying a duty on hundred weight, but it has been suggested that it would be better that the duty should be paid by the gallon, which was agreed to. The duty on salt we propose to take off altogether. It has been paying a specific duty of one penny per bushel, but as it is an article of great importance especially to the farmers, we propose to repeal it altogether.³³

An HON. MEMBER asked, what the duty on Molasses amounts to at present.³⁴

MR. INSP. GEN. HINCKS replied, that the revenue from this article amounts to £18,000, and the reduction would be equal to £8,000³⁵, leaving a loss to the revenue, supposing the consumption to be the same, of £10,000.³⁶ He then continued. The next article is the duty on wine³⁷, the great article for duty³⁸. (A laugh.) With regard to that, a great deal of complaint has been made as to the plan which has been in force for the collection of the duties.³⁹ Great frauds had been practised under the present system of levying the wine duties⁴⁰. I adopted that plan in the first place from the advice of a gentleman who was well acquainted with the subject,⁴¹ an experienced Customs officers [*sic*],⁴² but although it was excellent in theory, it has not been found in practice to work well. The object of the ad valorem duty was to get at the higher priced kinds of wine, and make them pay a proportionate duty--but as that object was not attained by the former plan, it is now proposed to make the specific duty on the whole uniform,⁴³ at 6d per gallon, and increase the ad valorem duty from 25 to 30 per cent. The object was not so much to make an actual reduction as to improve the system of collection.⁴⁴ This would make very little difference probably not more than £2000. Next he proposed to take off higher duties⁴⁵ on certain articles more immediately affecting the⁴⁶ shipbuilders (hear, hear,)⁴⁷ making them all 2½ per cent, without however, distinguishing whether the articles were used in shipbuilding or not⁴⁸, for the benefit of the shipbuilding interest, which is of growing importance. Various plans have been suggested as the best for the collection of these duties,--it had been proposed to make the duty uniform, but that would be found liable to many objections, as there are many vessels built in Upper Canada for the Lake trade to which these regulations would not apply. The next article related to seeds of various kinds. By the existing regulations, garden and other seeds have been subject to a duty of 2½ per cent., but in consequence of representations that were made, seeds imported by Agricultural societies, were admitted duty free. The societies generally employed some agent of their own who was in the trade to use the seeds that they imported--and others in the trade complained that these agents took advantage of their position to import seeds for themselves free of duty. I think, therefore, that it will be better to place all these articles on the same footing and the amount of revenue lost will be so trifling as not to be worthy of consideration. These are reductions which I think we are justified in making in the present state of the revenue and I may just observe that the revenue from the customs during the past year was a trifle over that of the preceding year. It exceeds £700,000 and if the prosperity of the Province increases as it is now doing the minister in charge of the revenue of the country during the next year will be enabled to make still greater reductions in the taxation. It is not desirable to make too great reduction[s] at one time, but in another year I think it will be possible to make still greater reductions, and I trust the committee will agree that the articles which have been selected are those on which the reduction will be most generally beneficial. The hon. Inspector General then went over the different articles mentioned in

the resolutions showing what the reduction on each would amount to. The loss on the shop licenses would be about £6,000--on auction licenses £6,500--hawkers' and pedlars' licenses, £1,000--the whole reduction in excise duties being equivalent to £13,500. The reduction of unrefined sugar would be about £27,000 and on refined £2,600 and on molasses £8,000. Repealing the duty on salt would cause a reduction of £4,600 and the reduction on wines would be £2000. Then the total reduction in customs duties would be £44,200 which, with the excise and the reduction in shipbuilding materials about £4,000, would make the total reduction £61,700.⁴⁹

MR. RIDOUT did not know what might be the views of the hon. member for Montreal but he desired that as the resolutions had only been printed for a short time, the matter might now be postponed till Tuesday. He stated this on behalf of many hon. members from Upper Canada.⁵⁰

MR. STEVENSON spoke to the same effect, desiring that the Committee might then rise.⁵¹

MR. BROWN.--Perhaps the Hon. Inspector General will have no objection to give further information to what he already has given, with regard to the state of revenue. It is impossible that we can go into the discussion of those reductions, without his laying before us the state of the public finances; how much the income of last year was in its different branches, and what he expects to obtain from the revenue during the current year. Without this we cannot judge whether the proposed reductions would be expedient. He should also state what the payments in reduction of debts are, that will become due, and how the public revenue will be affected by them. Without such information, it is quite impossible for us to know anything precise about the matter before us.⁵²

MR. INSP. GEN. HINCKS.--I will answer the hon. gentleman presently.⁵³

MR. YOUNG said I rise Mr. Chairman, to congratulate the Government at their revocation of the order in Council of the 18th Sept., last, and of having abandoned the Commercial Policy then submitted to the House, and upon which question I resigned. I rejoice Mr. Chairman, that I have by my resignation contributed to so desirable a result. I do not understand Sir what our commercial Policy is--God only knows what it is. We have one system to-day, and another in six months after. The spirit of the last policy was retaliation against the United States. The injury to American commerce and the threatenings [*sic*] that were made against the American Government, for not granting Reciprocity, have all ended in smoke. When this policy was projected I said that the scheme of the Inspector General would be laughed at, and I say now that any further threats will be laughed at. I know the Americans better, I think, than the Hon. Inspector General, and my belief is that there could not have been a better plan adopted to prevent Reciprocity being granted by the American Government than the one he has pursued. With my views of the value of that measure--I must say that I regret the whole action of the Canadian Govt. in this matter for the last four years--for in that time by improving our communications, we might have made ourselves independent of the States, whereas we have now to do, what could have been done long ago. What is our position now?--we have neither free-trade--nor protection--we are laboring under the worst part of both systems. Surely Sir, there is no subject that can be brought before this House, of equal importance to the commercial policy of the Country--the policy hitherto pursued has done much to make the people of Canada place a false value on Reciprocity--we have been taught to believe that progress is almost impossible without it and that we were dependent on United States legislation.--One member of the Canadian Government after another has been to Washington begging and praying for this measure. These continued efforts seem

to me humiliating, and the more so, because they are quite unnecessary. In our geographical position and in the possession of the St. Lawrence, we possess a power which not only makes us independent of American legislation, but which can make American Commerce tributary to ours--we possess the best route on this continent through the St. Lawrence to the Eastern Atlantic Port, & we have also the best route to the Ocean. The Americans acknowledge these to be facts--it is only here where there is slowness of belief--but surely if my assertion is correct, that we can make the St. Lawrence the best route to the Ocean and the St. Lawrence the best route also to New England, no time should be lost in doing so. On a former occasion, I stated that the whole exports from Canada into the United States were about £1,000,000, one half of which exports from Canada went in bond, and were sold for export--that the price of such articles being ruled by value for export, brought the same prices as some articles, the products of the States, less extra charge for bonding. The other half of Canadian exports being consumed in the States, the consumers in the States paid the duty--that the price was enhanced to them, just in proportion to the duty paid--& that even if Canadians could be supposed to pay the duty, that 20 p. cent on the £500,000 would only be £100,000. It seems to me we have nothing at all to do with American legislation, let them put any duty they like upon articles they must get from us, let us legislate for ourselves, and let them do the same for themselves. Now, Mr. Chairman, I believe that reciprocity is farther off from us than ever. New elements have been introduced into the measure, which it is impossible for us to grant, and as we cannot forever standstill because the American will not do just as we wish them, I think, Sir, the whole subject should be dropped. Let us shew them we are independent of Reciprocity, that it is more their measure than ours--that we can do without it. I am anxious, Sir, that this country should remain a part of the British Empire. I see no reason why it should not, but so little do I think the policy of the Hon. Inspector General calculated to increase and create a national feeling that I declare if it was not that I know such not to be the case, I should think his conduct in this Reciprocity matter calculated more than any thing else, by giving it the importance he has done, to bring about annexation. We have shewn how desirous we are that there should be the fullest reciprocity in trade, and freest intercourse--our offers have been rejected--we have offered to give up by treaty the free navigation of the St. Lawrence. I would not now do so, I would open the St. Lawrence yearly, but keep the possession of it in our own hands. The great aim of the Canadian government should be to relieve imports by the St. Lawrence from all duty. This can gradually be accomplished by the increased revenue from Canal Tolls, which would be the result of connecting Lake Champlain with the St. Lawrence, and by putting on an export duty on timber. Under such a policy--with free imports by the St. Lawrence, while there was a duty from 20 to 40 per cent on ... imports via the Atlantic United States ports--nothing could prevent a vast accession of trade by the St. Lawrence, and on such an extensive frontier exports from Canada of foreign and other goods would, of necessity follow. Admitting free all articles of produce from the States--by allowing the freest possible intercourse--by keeping the St. Lawrence as ours, not giving it away, by holding on to the fisheries--the American Govt. would soon be in the position that we have been in, of begging for Reciprocity. What is our position now? Have we not sent out of the country, during the last four years about one million of pounds, as interest on the debt for constructing our public works, and is it not true that only some £250,000 in that time has been received from them. Our St. Lawrence canals are scarcely used by the American trade, the Welland Canal is the greatest thoroughfare--we have at present no outlet below Ogdensburgh. Upper Canada as well as the western States, send their great staple products by Oswego, Ogdensburgh and Cape Vincent. The receipts at Ogdensburgh alone, in 1852, already exceed

[sic] the receipts at Montreal. The Oswego trade is increasing in a greater ratio than Buffalo, showing that the route by which the largest vessels is [sic] furthest water-borne without transshipment of cargo has the greatest advantage. Now, Mr. Chairman, the construction of a canal into Lake Champlain, with only twenty-nine feet of lockage, from the Saint Lawrence, gives us complete and undoubted command of the western trade and brings it inevitably through the St. Lawrence canals, and adds 150 miles of lake navigation, by annexing Lake Champlain. No opportunity has been lost in urging this measure on the attention of the government, yet nothing has been done. There is scarcely a document issued by the government of the State of New York which does not allude to the importance of this work, and acknowledges that when built it will be the best route from the west to the east. A branch canal from it into the Richelieu will in my opinion enable freight & passengers from the ocean, via Quebec, to reach Albany or Troy, as cheap as from the ocean to the same ports by way of New York. I am in favor, Mr. Chairman, of doing away with the excise duties. The reduction on sugar, molasses, and salt are all in the right direction. I believe the reduction will increase the revenue for more will be consumed. It must however be said, that the duty on molasses is still very high, being about 25 to 30 per cent, ad valorem. I however disagree with the Hon. Inspector General, as to keeping on his 2½ per cent duties. I think the whole should be taken off, I believe the true way to increase mechanical industry in the country is to admit free, all articles of raw material used in the production of manufactures.--There is a large number of articles in the list of goods now paying 20 and 30 per cent which might be admitted duty free, and when the proper time arrives, I shall propose an amendment to that effect.⁵⁴

MR. GAMBLE congratulated the Inspector General on giving up his retaliatory policy, and approved of his present plans, though he did not think he had gone far enough in reducing the excise duties in Upper Canada. He then asked if the township councils were to have the excise revenues. The hon. member then asked why all the duties we raised should not be raised on articles which we had a natural aptitude to manufacture ourselves. Manufactures were constantly springing up now in all directions. The other night the House was occupied in considering the abolition of the Seigniorial tenure, but it was of no use to do away with the difficulties of that tenure, if no means were taken to encourage labour. There was no part of the world where [sic] labour and water-power was so cheap as here in Lower Canada, he had seen chairs made with great ingenuity sold by French Canadians at 9d. each. He would be disposed at any rate to make the duties nominal on tea, and sugar and many other articles, and if that reduced the revenue too much, put a duty on manufactured goods. He approved of every reasonable scheme for improving the trade by the St. Lawrence.⁵⁵

MR. ROBINSON ... [made] some observations⁵⁶.

MR. INSP. GEN. HINCKS said he was anxious to reduce all duties on articles, which could be considered as raw materials, and he would be glad to have any such articles pointed out to him before the subject came up again.⁵⁷

MR. STREET was in favour of putting rectifiers and distillers on the same footing as respected excise duties.⁵⁸

MR. HARTMAN [asked a question]⁵⁹.

MR. INSP. GEN. HINCKS said the Revenue Inspector would only receive as much of his salary as he was deprived of by the change.⁶⁰ He explained that it was one year's allowance for the actual loss they would sustain for this part of the revenue collection being taken out of their hands, he meant.⁶¹

Mr. Hincks then agreed to put off the discussion of the question till Tuesday.

In the meantime in answer to Mr. Gamble, he said that the best informed persons thought it was a great blunder in the United States to admit teas, &c., free; because they were articles, on which, at a cheap expense for collection, a large revenue might be raised fairly from all classes of the community. But what did he propose in the interest of the farmers? Why to take duties off tea, and put them on other articles, which were also consumed by the farmers. Then referring to the complaint which he understood Mr. Young to make⁶²--

MR. YOUNG said that he made no complaint; because when he joined the government there was no policy.⁶³

Laughter from the opposition.⁶⁴

MR. INSP. GEN. HINCKS: Well hon. members might have their laugh; but it was the busines [sic] of the hon. member himself to inquire what the views of the government were; and while on the one hand he said there was no policy when he entered the government, on the other he declared that he thought he had understood the policy of the government, and again that he did not approve of the course of policy for four years.⁶⁵

MR. YOUNG said that during those four years when the Baldwin and Lafontaine ministry were in power, he did not approve of their commercial policy: but he knew the Inspector General's views as well as he knew his own, and he could not have believed it probable at that time, the Inspector General having invited him, with perfect knowledge of his views to join the ministry, that such a new policy would be adopted.⁶⁶

MR. INSP. GEN. HINCKS said the hon. member's explanation made the matter worse. If he disapproved of the commercial policy of the Baldwin Cabinet--and Mr. Hincks did not know that they had ever shown anti-progressive ideas--these [sic] was the more reason why he should have inquired what was to be done. The whole difficulty arose from the fact that the hon. member undervalued reciprocity. He, indeed, had no doubt that he had said to the hon. member that the people of Canada over valued reciprocity; but to say, as the hon. member did, that it was of no value, was what he could not consent to. He denied that any member of the government had gone to Washington except at the request of the British minister there, and the fact was that the Americans offered to treat for the first time, after our intended change of policy was adopted.⁶⁷

MR. CHRISTIE hoped the right of fisheries would not be given to the Americans. If it were it would be giving up the command in our own House.⁶⁸

MR. MERRITT replied that reciprocity would greatly help the fisheries, by enabling them to sell their fish on the same terms as American fishermen. He then remarked on the resolutions. He disapproved of any excise duty being continued in Upper Canada.⁶⁹

MR. BROWN congratulating [sic] the Inspector General on his having returned to his right mind on the commercial policy. He must now look back at the little aberation [sic] of last fall as a very extraordinary affair indeed. It was then said with extraordinary earnestness that we were to make a Canadian policy for ourselves which was to astonish the world--that proposed plan was a most patriotic course--and that it would secure a very large trade for the St. Lawrence [sic]. Now he has ascertained that all this was a mistake, and that there was altogether a change in the state of affairs arising out of the fishery question.⁷⁰

MR. SICOTTE.--And on the 1st of April.⁷¹

MR. BROWN.--The hon. member thought that it was the retaliatory threats he had held out which had changed the position of affairs; he (Mr. Brown) thought

it was what had been done on the fisheries. It appeared that Mr. Crampton had written to say that this course would be dangerous now, though for the moment at least the negotiation had failed. How much worse then would it have been, had it been carried out while they were going on in November? In what position would the hon. member have been in, had he carried his measure at that time? He (Mr. B.) believed that the resignation of the hon. member for Montreal and the effect of that resignation on the party to which the hon. Inspector General belonged had, by stopping the Inspector General's measure, rendered a great benefit for which the country ought to be very grateful to the hon. member for Montreal. It must not be forgotten [*sic*] that the very last thing the hon. Inspector General did, before the adjournment, was to assure the House that if reciprocity were not carried he would adopt his new policy on the 5th of the present month.⁷²

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Rose reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

A Bill to incorporate the Bytown and Pembroke Railway Company, was, according to Order, read the third time.

On motion of Mr. Malloch, seconded by the Honorable Mr. Attorney General Richards, the following Amendment was made to the Bill:--

Page 6, line 42. After "Company" insert "with the consent of the Governor in Council."

Resolved, That the Bill do pass.

Ordered, That Mr. Malloch do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to increase the Capital Stock of the Great Western Railroad Company, and to alter the name of the said Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

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A Bill to incorporate the Megantic Junction Railway and Canal Company, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the Megantic Junction Railway and Navigation Company."

Ordered, That Mr. Clapham do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to authorize the formation of a Company to construct a Railroad on the North Shore of the River St. Lawrence, from the City of Quebec to the City of Montreal, or to some convenient point on any Railway leading from Montreal to the western Cities of this Province, being read;

Mr. Stuart moved, seconded by Mr. Cartier, and the Question being proposed, That the Bill be now read the third time;

Mr. Marchildon moved in amendment to the Question, seconded by Mr. Malloch, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Stuart do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to repeal so much of the amended Assessment Act of Canada West, as requires the County Councils to meet on the first day of May in each year to equalize the Assessments, and fixing the third Monday in June instead thereof, for that purpose, being read;

On motion of MR. GAMBLE⁷³,

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The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Dubord reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Dubord reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

The Order of the day for the second reading of the Bill to separate the County of Halton from the County of Wentworth, being read;⁷⁴

MR. AT. GEN. RICHARDS moved the second reading of the bill to separate the county of Halton from the county of Wentworth, and to fix the county town.⁷⁵ He made some remarks in explanation but they were inaudible to the Reporters.⁷⁶

SIR A. MACNAB objected to the interference in local matters, at least during the absence of the representative who is accountable for them⁷⁷.

MR. AT. GEN. RICHARDS declared that there was no objection to the principle of the bill⁷⁸.

MR. BROWN objected to this bill, or rather to that part of it fixing the county town. The fixing of the county town should be left to the people of the locality. The Government took this power into their hands by the bill of 1851, just before the election, and by means of it exercised a great deal of political influence.⁷⁹ He knew the Government had made a good deal of capital ... out of the territorial divisions bill they had passed in Toronto.⁸⁰ Now, they come here and ask the House to take the responsibility from their shoulders in a case where they can gain nothing but unpopularity by exercising their power. He did not think that they should come and ask the House to take the responsibility off their shoulders now that they have assumed it, and exercised it in all cases where they thought they could get anything by it. They have had the cream and they may as well have the milk. It is just as it was in the case of the railroad--all for the sake of Government influence. If we are to make any departure from the rule of 1851 it should be to give the appointment of all the county towns to the people themselves. The whole affair was a strange business--strange that the Government should introduce such a bill and still stranger that the member for the County of Halton should be mysteriously absent when such a bill was to be brought up. That hon. gentleman (Mr. White) had a bill before the House on the same subject--why was he absent now, and why did the Attorney General hurry on this measure in his absence?⁸¹

MR. STREET would not oppose the second reading of the bill, but he thought it was a very extraordinary thing on the part of the Government to introduce this bill. This is exactly one of the things over which the Municipal Councils should exercise control. He thought the municipalities should have the right to choose the places for the county towns, and he did not know why the Government now came to the House pointing out a course different to the existing law. They come down without consulting any one, and try to remove the responsibility from themselves and ask Parliament to sanction a place which they choose to name in the bill, and if any complaint is made of the choice, they will say that Parliament did it and not themselves, and so they will remove all the responsibility from their own shoulders. He had nothing to say against the bill being read a second time, because he was instructed to say that it was the wish of the counties to be separated. He should, therefore, vote for the bill going into committee, but he was opposed to that part of the bill which defined the place for the county town, because it ought to be selected by those who are interested in the matter, and are best able to say where it should be.⁸²

MR. GAMBLE said that if this measure was left to the people it would be carrying out a principle much more agreeable to them, but as the Government had chosen a certain course they should abide by it.⁸³ If change were desirable, change the general law, and do not make a change in a special instance by act of Parliament.⁸⁴

MR. HARTMAN thought that this bill was going a step in the right direction, and therefore he should vote in favor of the second reading of the bill.⁸⁵ [He] went into some details of the county, contending that the county town should be in the centre of the county. He disapproved of the principle of the Government fixing county towns.⁸⁶ He thought the power of appointing the county town should be in the hands of the Municipal Council.⁸⁷

MR. LANGTON ridiculed the conclusions that the member for South York came to. He had been explaining the matter very lucidly by means of a little map, but not a single member in the House had been listening to him.⁸⁸ There were [three] ways of acting, viz: by letting the Government, the House, or the municipalities, fix the sites of county towns. Now he thought it a move in the wrong direction, to say the House should do so. There could not be a worse [sic] tribunal for such a purpose. None of the members knew anything about the details of the case, and none cared to give any attention to them. The municipal council was the proper tribunal where every particular was well known.⁸⁹ The member for the county was not present, and there was no one there who knew anything about it but the Attorney General, who appeared to have made himself fully acquainted with it. The member for the county had a bill before the House on the same subject.⁹⁰

MR. AT. GEN. RICHARDS made some remarks in reply....He was understood not to defend the principle of the present mode of proceeding but to contend for the exigency of the case. He stated he had no personal interest in the bill.⁹¹

The bill was then read a second time, without a division, on the understanding that it was to be referred to a select committee.⁹²

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

The Order of the day for the second reading of the Bill for the better management of the Lunatic Asylum, being read;

On motion of MR. COM. CR. LANDS ROLPH, the bill for the better management of the Lunatic Asylum at Toronto, was read a second time, no discussion arising thereon.⁹³

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

On motion of MR. AT. GEN. RICHARDS,⁹⁴

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The House, according to Order, resolved itself into a Committee on the Bill to protect Justices of the Peace in Upper Canada from vexatious actions;

MR. BROWN hoped that the Government would not proceed with this bill with such empty benches--of course it was not the fault of the Government that members were absent, but they should not go on with these important measures when all the legal talent of the House was absent.⁹⁵

MR. H. SMITH (Frontenac) said that the hon. member for Kent need be under no alarm about this bill, because it was a mere transcript of an act of a similar nature, passed for the protection of magistrates in Ireland, during the time of the last rebellion, and moreover, it had been fully discussed on the second reading. He intended to object to that clause which allowed magistrates to be sued for damages in Division Courts. He thought magistrates should not be sued in any court which was not a court of record--a magistrate should not be sued in a Division Court. In 1837 a bill was passed to whitewash the magistrates who had acted illegally during the rebellion, when they had committed many acts of great cruelty, but in times of disturbance it was necessary that magistrates should not be afraid to act with rigour. By this bill, unless malice could be proved on the part of the magistrate, to the satisfaction of a jury, the action for damage could not be maintained, so that by some illegal act a man might be sent to jail for a month, and then if he found that the magistrate had made a mistake he could not punish him unless he could prove that he had acted maliciously, so if a man commits a trespass it is no offence unless it was done wilfully, in which latter case a magistrate, to make an informality, would be rendered liable to an action for damages.⁹⁶

MR. STREET said that the magistrates were just that class of persons whom the House ought to protect, because they were called on, on all occasions, for the preservation of the public peace, and there could be nothing more reasonable than that they should not be prosecuted unless it was shown that they had entertained malice.⁹⁷

On account of the absence of members, the Committee then rose, reported progress, and asked leave to sit again.⁹⁸

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Fergusson

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reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

The Order of the day for the second reading of the Bill to amend an Act passed in the Session of the Provincial Parliament held in the fourth and fifth years of Her Majesty's Reign, intituled, "An Act to regulate the taking of Securities in all Offices in respect of which Security ought to be given, and for avoiding the grant of all such Offices in the event of such Security not being

given within a time limited after the grant of such Office, and for other purposes," being read;

On motion of MR. SOL. GEN. CHAUVEAU,⁹⁹

(678)

The Bill was accordingly read a second time; and ordered to be read the third time on Monday next.

On motion of MR. INSP. GEN. HINCKS,¹⁰⁰

(678)

The House, according to Order, resolved itself into a Committee on the Bill to amend the Law relating to the University of Toronto, by separating its functions as a University from those assigned to it as a College, and by making better provision for the management of the Endowments thereof, and that of Upper Canada College;¹⁰¹

MR. DIXON ... [took] the Chair.¹⁰²

MR. INSP. GEN. HINCKS said he was sorry to see the House so thin, but the only Gentlemen who had opposed the bill were in their places. He¹⁰³ stated that when this bill was read a second time he felt that the third clause, dividing the surplus money, would be amended, and it was now proposed to expunge that clause altogether. The main principles of the bill appeared to have given general satisfaction, only two members voting against it.¹⁰⁴

MR. CAUCHON.--Yes, and we will vote against it again.¹⁰⁵

MR. INSP. GEN. HINCKS.--He had taken every opportunity to consult those persons most able to give information on the subject, including the President of the University, Dr. McCaul, and others connected with the University, and he had great pleasure in meeting their suggestions as far as was consistent with the main principles of the bill.¹⁰⁶ He mentioned some amendments in the third clause and others.¹⁰⁷ The most important amendment would be that relating to the formation of the College Council. The intention was to leave the management of University College in the hands of Professors and other members of the Corporation.¹⁰⁸

MR. STREET begged that the Government would not go on with this measure in the then state of the House.¹⁰⁹

MR. INSP. GEN. HINCKS said that he was abused on all hands, no matter what course he took. Some hon. members complained that the Government took up too much of the time of the House--others that they were never ready with their measures. If hon. members did not choose to be in the House and attend to their business, he could not help it.¹¹⁰

Several amendments were moved around the table¹¹¹.

MR. ROBINSON wished to know if there was to be any compensation given to the medical professors for the loss of their salaries?¹¹²

MR. INSP. GEN. HINCKS said that with regard to compensation, it was proposed to give a gratuity to those gentlemen, the amount of which would be left to the House to determine.¹¹³

MR. BROWN said he meant to offer no opposition to the passage of the Bill through committee, as it would be useless--but when it came up for a third reading, he would place his views on record. The Government had failed to give one good reason for breaking up the University. They harped on the necessity for reforming the management, which all admitted, but not one argument has been ad-

vanced for abolishing the medical or law schools, and frittering away the endowment among sectarian seminaries. There were at present 80 medical students attending the University, showing a great increase on past years. Where are these young men to finish their studies if this bill passes? Must they go to the school of the Commissioner of Crown Lands, or shall they be forced to swallow the 39 articles, and graduate at the institution of the Anglican Bishop of Toronto? One of these they must do, or go abroad. He did not mean to disparage the instruction which the students received at the hon. gentleman's school, for he was unfit to judge of its quality; but certain it is, that the name of the hon. gentleman (Dr. Rolph) alone drew the pupils to it, and since he has left it, the school has fallen away. Was it for such a lecture-room as that, that a national school of medicine was to be broken up? The Hon. Inspector General says other institutions will arise--a number of medical schools will arise--over the country. Does the hon. gentleman reflect on what he says? Why, sir, all the medical students in the Province would hardly make one good school, fit to maintain a full staff of professors by fees alone. (Hear, hear.) What, then, will those "colleges" be which are to live upon mere local support? This bill is a retrograde [sic] measure of the most reckless character, and will be a lasting reproach upon the Reform party.¹¹⁴

MR. J. A. MACDONALD.--If there ever was a farce in the world it is this proposed University. You exclude all law, all medicine, all religion, and what have you left? This bill has been prepared to meet the views of certain gentlemen in Toronto, it has been prepared to meet the views of the hon. Commissioner of Crown Lands; (hear, hear,) it has been prepared for that and for nothing else. A great national school is to be destroyed by this bill--a noble endowment for a great national institution is to be broken up, and the manner in which the Inspector General spoke shows that he feels this. If we are to have a great national institution in which the qualifications for every profession are to be obtained, a great national school to which all the subordinate colleges are to look up, what will be the use of this University which is to exclude all practical knowledge. By this scheme we must go to Osgoode Hall for law, to the great institution of the Commissioner of Crown Lands for medicine, and to Dr. Charbonnel, or the Christian brothers for religion. (Hear, hear.) That is the way in which the endowment is to be frittered away for no purpose. For no purpose? Yes, Mr. Chairman, for a purpose! a very sinister purpose. Why, sir, instead of one great University, a national institution, we are to have a lot of little institutions where people can learn a little Latin or less Greek, and nothing well. Why are we to have this? For a sinister purpose, to gratify the selfish ends and the personal feelings of the hon. Commissioner of Crown Lands!¹¹⁵

MR. COM. CR. LANDS ROLPH said, that the assertions of the hon. member for Kingston were as unfounded as they were unworthy of that hon. member. Has he descended so low as in his place in Parliament to make assertions so low as those he had just uttered? I ask him what he means by those assertions? Has he a right to say that I stand up here and give my support to measures for my own personal advantage? How can he prostitute his talents and his tongue to such calumny? Such conduct is unparliamentary and¹¹⁶ the more manly and parliamentary course would be¹¹⁷ for the hon. member to move an amendment establishing a separate medical school with public endowment than to make personal attacks on me. A university teaches nothing--it only confers degrees.¹¹⁸

MR. J. A. MACDONALD.--I made those assertions because I thought they were true; and I repeat them, because I think they are still true; and because I think them true I cannot retract them. And I believe that such is the general feeling of Upper Canada. It is known in Upper Canada, it is known in Toronto,

that the Commissioner of Crown Lands has coolly and deliberately sacrificed, to gratify his own personal feelings, a great national institution. I apologize to the House for anything that I have said that may have been unparliamentary, but I said it because it was true. I shall not repeat again what I have said because the hon. gentleman says it is not parliamentary. The hon. gentleman seems to say that I do not understand what a university is. Why, Sir, if I know anything about it, I understand that the original meaning of the word university is a seat of learning where all branches of science are taught, and they might remember that there was a time when there were thousands of students at the University of Oxford before a single college was established. Colleges, are merely places where the students take shelter. The university system means a great institution where students from all parts of the country meet together and study under the professorial system. It is so in Scotland, it is so in Germany, everywhere in fact except in England, and what does the recent report of the University Commission say? It recommends the doing away with the colleges, and restoring to the university the power of discretion and regulation of the whole curriculum. I know just as well as the hon. member the difference between a college and a university. This bill proposes to establish what the University Commission in England proposes to have done away. It proposes to do away with the university and restore the colleges: just the very reverse of what is being done in England. By this bill, law is nothing, medicine is nothing, and religion is a farce. It leaves nothing but mathematics and classics. Is it not known everywhere that the English system is a false one and that they should return to the German free scholar system? Is not the report of the commission that has been published, strongly in favour of doing away with the collegiate system and restoring the university? The hon. gentleman says, that my remarks were rash, well, they may have been so, but that depends on whether they were true. Does not the hon. gentleman know that he has been charged by every professional brother in Toronto--that he has been charged with destroying a great medical school to advance his own selfish purposes.¹¹⁹

Hear, hear from MR. BROWN.¹²⁰

MR. J. A. MACDONALD [continued:] I do not say that the charge is true for that would be unparliamentary; but does he not know that he has been pointed at with the finger of scorn for so doing? The hon. gentleman may have found that another school protected by the Government interfered with his own; I do not mean to disparage the school of the hon. gentleman, but I mean to say this, that while it flourished so well under his own immediate patronage, there was no reason why the college school should be destroyed; there was no reason for it at all. It is since that hon. gentleman has not been able to attend to it that the great evil has been discovered. The hon. gentleman sneers at my remarks about the philosophy of law, but I tell him that law is a science, and the practice and philosophy of law are the same thing, and must be taught together, and I would ask if that doctrine is not laid down by Blackstone in every line of his immortal commentaries. Moral law is a moral science, but law is that which protects one man from another and one man's property from another. That is law in the sense in which this bill means, and in that sense the philosophy of law, and the practice of law are the same. I regret that I have been compelled to go into this discussion, I regret it exceedingly, but I thought, and still think, that this bill has been prepared solely with the view of doing away with a certain school of medicine in Toronto. If I am mistaken, I have done wrong to the Commissioner of Crown Lands and his colleagues, and if it be not as I have stated, I can only say that any error is participated in by every educated man in Upper Canada. There is a strong feeling in Upper Canada that these great branches of learning are excluded from the University not from any desire for

the public good but from purely personal motives.¹²¹

MR. INSP. GEN. HINCKS was astonished at the speech which had just fallen from the hon. member for Kingston, on a bill which had been agreed to by the almost unanimous voice of Upper Canada, and now on a mere matter of detail, we are told that this Bill has been introduced at the instigation of the Commissioner of Crown Lands.¹²² The course of the hon. member for Kingston was extraordinary. It was extraordinary to hear these objections at this stage of the debate, when the principle of the bill had been assented to by nearly the whole house. Besides¹²³, the hon. member for Kingston had himself introduced a means to brake up the endowment, and he was quite certain that the almost unanimous feeling of Upper Canada was that the Medical and Legal professions should sustain themselves.¹²⁴

MR. BROWN said it was not right to impute motives to any hon. member in regard to his public conduct--and for himself he endeavoured carefully to avoid doing so--but he must confess he did not wonder that the extraordinary circumstances under which the measure came before the House, forced hon. gentlemen to look about for special motives on the part of those who introduced it.¹²⁵ The hon. member for Kingston was not inconsistent. He only said it was strange to see this government overturn the University, and so strange was it that he might well search for motives.¹²⁶ For a great many years the Reform party laboured to erect this institution--hardly two years have yet passed since it was remodelled--the results have more than equalled public expectation; and yet a Reform Government is about to tear it to pieces without a trial; and in open defiance of every principle they have professed to adopt a sectarian system in lieu of the national system for which they have so long contended. (Hear, hear.) Why is it that the Inspector General has only found out now that it is so wrong to have medical and legal chairs in the University? That it is so indefensible to give any public aid to these professions? Why did he not find all this out when the Ministry, of which he was a member, framed their Bill in 1843? Why did he not find it out in the agitation against Mr. Draper's Bill and the hon. member for Kingston's Bill from 1844 to 1848? Why did he not find it out when the Bill of the late Ministry was passed into law two years ago? The principle is the same now as it was during the fifteen years the hon. gentleman has contended for the reverse of what he now practices.¹²⁷ Why the hon. Inspector General had agitated the country and gained his election in 1847 and 1848 upon this very question. Now he proposed to upset the University before it had even a trial; and overturn all at one fell swoop that [*sic*] it had taken the hon. member and the reformers of Upper Canada years to establish. Well might they seek for motives for such conduct.¹²⁸ And the animus of the affair is clearly to be seen. They propose to break up this institution on the principle that it is wrong to give public money for educating men in the medical professions--and for what are we told almost in the same breath? That the Government propose to give public money for a separate medical school!¹²⁹

MR. INSP. GEN. HINCKS.--The Government have no such intention.¹³⁰

MR. BROWN.--Did not the Commissioner of Crown Lands only a few minutes ago, tell the hon. member for Kingston that he might bring in an amendment to erect the medical professors of Toronto University into a separate school, to be endowed with the surplus revenue of the University?¹³¹

MR. COM. CR. LANDS ROLPH.--I merely suggested that the hon. gentleman might carry out his own view in that way. I did not express any opinion in regard to it.¹³²

MR. BROWN.--The hon. gentleman did not directly express an opinion upon it,

but he made the suggestion voluntarily; and far from expressing objection, his tone gave a very different impression. He was defending himself from the charge of the member for Kingston, that he was actuated by spiteful feelings against his professional brethren of the University, in breaking up the medical school, and the scope of his suggestion, if it meant anything at all, was, "bring in a measure to give my professional brethren public aid, on what I deem correct principles, and you will see that I will not be backward in aiding them!" And the Hon. Inspector General, in moving the second reading of the bill, used almost the same language. His argument then was that schools would arise over the country, and they might all receive subsidy from the surplus revenue. If the hon. gentleman's speech were referred to, I am sure this would be seen. (Hear, hear.) Nay, the utter duplicity of the whole of this argumentation, from the two hon. gentlemen, is seen in this remarkable fact, that while they are contending with so much virtuous warmth, that it is wrong in principle to give aid from an educational fund, to a medical school in Toronto--they have been giving public money directly from the exchequer for years past to two medical schools in Lower Canada.--Nay, in the estimates now before the House submitted, as they were, for our adoption, by those very gentlemen, we are asked to vote £250 out of the public chest, to the "medical faculty of McGill College"--£250 to the "school of medicine at Montreal"--and £250 for the "school of medicine at Quebec." And yet the principle of aiding a medical school is so dangerous and so wrong, that these scrupulous gentlemen with short memories, cannot conscientiously sustain it in Toronto. Sir, I do not wonder that the motives of those who act so inconsistently are suspected. The whole argument on which the bill is contended for, is a sham. It is said that the institution has not succeeded, though it has had but a year's trial; it is said that the professors and senators do not work the system cordially--but the hon. gentleman himself appointed most of them, and framed the system that gives them power to do harm; it is said that the salaries are too high, but the charge comes from the very party who authorized them; and, lastly, it is said that the institution must be demolished, for it is wrong to give public money to a medical school, though the same men, at the same moment, are paying \$3,000 a year from the public chest for medical schools in Lower Canada! Not a shadow of sound argument has been advanced for this bill. That abuses exist in the institution there cannot be a doubt, but they form no excuse for demolishing the only truly national University we are ever likely to have erected. Let these abuses be removed with a vigorous hand, but why destroy the institution?¹³³

MR. AT. GEN. RICHARDS.--I would like to ask the hon. gentleman a question. Would he spend the whole endowment of the University, no matter how large it may grow, exclusively at Toronto?¹³⁴

MR. BROWN.--Certainly not. I would cut down the extravagant salaries now paid to many of the Professors, and render them more dependant on fees than they are now. I would make the school as efficient as possible, but economise the endowment, so that its benefits might be extended. So soon as the revenue rose above the absolute necessities of the Toronto institution, I would provide for the application of the surplus, in the first place, to the erection of an affiliated national college, on precisely the same principles as that at Toronto, in the eastern section of Upper Canada; and in the second place, for the erection of a third affiliated college in the western section of Upper Canada. As the population increases, and the necessity forces itself upon the public mind, these institutions could be proceeded with, and if requisite, a supplement might even be made to the existing endowment.¹³⁵

MR. AT. GEN. RICHARDS.--If the hon. gentleman will have patience, he may effect all this under the present bill.¹³⁶

MR. BROWN.--Never! If this bill passes--all hope of an efficient national University on non-sectarian principles is gone. How can the hon. gentleman pretend otherwise? If this were really the views of Government, how readily could they have been embodied in the bill? But have they not, on the contrary averred the "godless" character of the institution as a reason for its demolition? Have they not placed in their bill a clause to divide the endowment among the sectarian colleges? And though they have been driven from both positions by pressure from without, are not their real wishes on record--and do they not still avow the determination to carry them out by other means?¹³⁷

MR. INSP. GEN. HINCKS wanted to know if the great principle for which the Reformers contended was not to wrest the endowment from the hands of the Church of England? It was well known that the bill of 1849 was the work of Mr. Baldwin, aided by Dr. McCaul, and he should not be held liable for the acts of his colleagues. (Oh! oh! hear, hear.) Every member of an administration is not held responsible to the same extent for any measure, as the member who brings it in, and any man would be considered an idiot¹³⁸, in the House of Commons¹³⁹, who should advance such a doctrine. (Ironical cheers and confusion.)¹⁴⁰

MR. BROWN said the hon. gentleman had enunciated a new theory in the working of responsible government, which, if not sound, was at least convenient for such a Ministry as the present. A sliding scale for corn had been heard of before, but a sliding scale of Ministerial responsibility was something novel, and it might be an interesting subject of speculation how far the thing could be stretched--how many platforms could be laid down between the maximum and minimum? The hon. gentleman pretends to say that the whole agitation of the Reform party in past years had no reference to the future constitution of the University, but was simply intended to wrest the endowment from the Church of England. Nothing could be more incorrect or injurious to the Reformers than such a statement. He (Mr. Brown) had taken an active share for 10 years in that controversy, and he believed that the desire to secure a great national school of literature and science, open to all classes on equal terms, and free from sectarianism was the strong actuating motive throughout the agitation. The principles of national education were well understood throughout Upper Canada, and the determination to secure a complete system of unsectarian institutions from the primary school to the University he felt fully persuaded, was never stronger than at this moment. Hon. gentlemen might talk as they liked about this bill passing with only one dissentient voice from Upper Canada, but were the University question to be submitted to the electors to-morrow in the same way as in 1847, their answer would be now precisely as it was then.¹⁴¹

MR. J. A. MACDONALD said that if he had been in the House at the time, he did not say he would not have voted for the second reading of the bill.¹⁴²

After going over several clauses of the bill the committee rose and reported progress.¹⁴³

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Dixon reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

The Order of the day for the second reading of the Bill to amend and extend "An Act to incorporate the Cobourg and Peterborough Railway Company," being read; The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Peterborough and Port Hope Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of the Honorable Mr. Attorney General Richards, seconded by the Honorable Mr. Morin,

The House adjourned until Monday next.

FOOTNOTES: 1 APRIL 1853.

1. The discussion of this committee report was reported in partially identical accounts by the following papers: MORNING CHRONICLE, 4 April 1853, PILOT, 7 April 1853, BRITISH COLONIST, 12 April 1853, HAMILTON SPECTATOR DAILY, 13 April 1853 (which copied from MORNING CHRONICLE), HAMILTON SPECTATOR SEMI-WEEKLY, 13 April 1853 (which copied from MORNING CHRONICLE), HAMILTON SPECTATOR WEEKLY, 14 April 1853, NORTH AMERICAN SEMI-WEEKLY, 14 April 1853, and NORTH AMERICAN WEEKLY, 21 April 1853.
2. MORNING CHRONICLE, 4 April 1853.
3. IBID.
4. IBID.
5. IBID.
6. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 4 April 1853, PILOT, 7 April 1853, BRITISH COLONIST, 12 April 1853, HAMILTON SPECTATOR DAILY, 13 April 1853 (which copied from MORNING CHRONICLE), HAMILTON SPECTATOR SEMI-WEEKLY, 13 April 1853, HAMILTON SPECTATOR WEEKLY, 14 April 1853, NORTH AMERICAN SEMI-WEEKLY, 19 April 1853, and NORTH AMERICAN WEEKLY, 21 April 1853; BRITISH WHIG, 4 April 1853, HAMILTON SPECTATOR DAILY, 4 April 1853, GLOBE, 5 April 1853, NORTH AMERICAN SEMI-WEEKLY, 5 April 1853, PILOT, 5 April 1853, EXAMINER, 6 April 1853, NORTH AMERICAN WEEKLY, 7 April 1853, and LA MINERVE, 5 April 1853; BRITISH WHIG, 2 April 1853, GLOBE, 2 April 1853, HAMILTON SPECTATOR DAILY, 2 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 2 April 1853, NORTH AMERICAN SEMI-WEEKLY, 5 April 1853, EXAMINER, 6 April 1853, and LA MINERVE, 2 April 1853. The debate was also reported by: BRITISH WHIG, 14 April 1853; GLOBE, 14 April 1853; and JOURNAL DE QUEBEC, 5 April 1853.
7. GLOBE, 14 April 1853.
8. BRITISH WHIG, 14 April 1853.
9. GLOBE, 14 April 1853.
10. MORNING CHRONICLE, 4 April 1853.
11. GLOBE, 14 April 1853.
12. MORNING CHRONICLE, 4 April 1853.
13. GLOBE, 14 April 1853.
14. BRITISH WHIG, 14 April 1853.
15. GLOBE, 14 April 1853.
16. MORNING CHRONICLE, 4 April 1853.
17. GLOBE, 14 April 1853.
18. BRITISH WHIG, 14 April 1853.
19. GLOBE, 14 April 1853. According to HAMILTON SPECTATOR DAILY, 13 April 1853, and four other papers, the figure was £67,000. According to PILOT, 7 April 1853, and two others, it was £62,000.
20. BRITISH WHIG, 14 April 1853.
21. GLOBE, 14 April 1853.
22. BRITISH WHIG, 14 April 1853.
23. GLOBE, 14 April 1853.
24. MORNING CHRONICLE, 4 April 1853.
25. GLOBE, 14 April 1853.
26. BRITISH WHIG, 14 April 1853.
27. GLOBE, 14 April 1853.
28. BRITISH WHIG, 14 April 1853.
29. GLOBE, 14 April 1853. According to MORNING CHRONICLE, 4 April 1853, and seven other papers, the figure given was £25,000. BRITISH WHIG, 14 April 1853, had £29,600.
30. GLOBE, 14 April 1853.

31. BRITISH WHIG, 14 April 1853.
32. MORNING CHRONICLE, 4 April 1853.
33. GLOBE, 14 April 1853.
34. IBID.
35. IBID.
36. BRITISH WHIG, 14 April 1853.
37. GLOBE, 14 April 1853.
38. BRITISH WHIG, 14 April 1853.
39. GLOBE, 14 April 1853.
40. MORNING CHRONICLE, 4 April 1853.
41. GLOBE, 14 April 1853.
42. MORNING CHRONICLE, 4 April 1853.
43. GLOBE, 14 April 1853.
44. BRITISH WHIG, 14 April 1853.
45. MORNING CHRONICLE, 4 April 1853.
46. BRITISH WHIG, 14 April 1853.
47. GLOBE, 14 April 1853.
48. MORNING CHRONICLE, 4 April 1853.
49. GLOBE, 14 April 1853.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. MORNING CHRONICLE, 4 April 1853.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. MORNING CHRONICLE, 4 April 1853. BRITISH WHIG, 14 April 1853, attributed the question to Mr. Gamble.
60. MORNING CHRONICLE, 4 April 1853.
61. BRITISH WHIG, 14 April 1853.
62. MORNING CHRONICLE, 4 April 1853.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. MORNING CHRONICLE, 6 April 1853. The motion was reported in identical accounts by: MORNING CHRONICLE, 6 April 1853, and MONTREAL GAZETTE, 8 April 1853.
74. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 6 April 1853, MONTREAL GAZETTE, 8 April 1853, and HAMILTON SPECTATOR DAILY, 13, 14 April 1853. The debate was also reported by GLOBE, 19 April 1853. The HAMILTON SPECTATOR accounts were introduced with and followed by commentary on the absence from the House of John White, the member for Halton, of which the following is a representative sample: "The electors of Halton will assuredly ask themselves, as well as their indefatigable Member, 'What is the use of sending Mr. White to Parliament, when the Attorney General has to do our local

business?' and we think the representative will agree with his constituents that the man who runs away whenever a question affecting his locality is brought up, is of precious little use at the Seat of Government to anybody but himself."

75. GLOBE, 19 April 1853. MORNING CHRONICLE, 4 April 1853, credited Mr. Brown with the motion for second reading.
76. MORNING CHRONICLE, 4 April 1853.
77. HAMILTON SPECTATOR DAILY, 13 April 1853.
78. IBID.
79. GLOBE, 19 April 1853.
80. MORNING CHRONICLE, 6 April 1853.
81. GLOBE, 19 April 1853.
82. IBID.
83. IBID.
84. MORNING CHRONICLE, 6 April 1853.
85. GLOBE, 19 April 1853.
86. MORNING CHRONICLE, 6 April 1853.
87. GLOBE, 19 April 1853.
88. IBID.
89. MORNING CHRONICLE, 6 April 1853.
90. GLOBE, 19 April 1853.
91. MORNING CHRONICLE, 6 April 1853, which noted that Mr. Richards "was again nearly inaudible."
92. GLOBE, 19 April 1853.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. GLOBE, 19 April 1853. The motion for second reading was also reported, in partially identical accounts, by the following papers: MORNING CHRONICLE, 6 April 1853, MONTREAL GAZETTE, 8 April 1853, and BRITISH COLONIST, 12 April 1853.
100. GLOBE, 19 April 1853.
101. The debate on this matter was reported in partially identical accounts by the following papers: MORNING CHRONICLE, 6 April 1853, MONTREAL GAZETTE, 8 April 1853, PILOT, 9 April 1853, and BRITISH COLONIST, 12 April 1853. The debate was also reported by GLOBE, 19 April 1853.
102. GLOBE, 19 April 1853.
103. MORNING CHRONICLE, 6 April 1853.
104. GLOBE, 19 April 1853.
105. IBID.
106. IBID.
107. MORNING CHRONICLE, 6 April 1853.
108. GLOBE, 19 April 1853.
109. IBID.
110. IBID.
111. MORNING CHRONICLE, 6 April 1853, which added that the amendments "were not intelligible to the reporter, nor the conversation for the most part in relation to them."
112. GLOBE, 19 April 1853.
113. IBID.
114. IBID.
115. IBID.

- 116. IBID.
- 117. MORNING CHRONICLE, 6 April 1853.
- 118. GLOBE, 19 April 1853.
- 119. IBID.
- 120. MORNING CHRONICLE, 6 April 1853.
- 121. GLOBE, 19 April 1853.
- 122. IBID.
- 123. MORNING CHRONICLE, 6 April 1853.
- 124. GLOBE, 19 April 1853.
- 125. IBID.
- 126. MORNING CHRONICLE, 6 April 1853.
- 127. GLOBE, 19 April 1853.
- 128. MORNING CHRONICLE, 6 April 1853.
- 129. GLOBE, 19 April 1853.
- 130. IBID.
- 131. IBID.
- 132. IBID.
- 133. IBID.
- 134. IBID.
- 135. IBID.
- 136. IBID.
- 137. IBID.
- 138. IBID.
- 139. MORNING CHRONICLE, 6 April 1853.
- 140. GLOBE, 19 April 1853.
- 141. IBID.
- 142. MORNING CHRONICLE, 6 April 1853.
- 143. IBID.

MONDAY, 4 APRIL 1853.

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MR. SPEAKER laid before the House, the Accounts of the Trustees of the Montreal Turnpike Roads, from 31st December, 1852, to 26th March, 1853.

For the said Accounts, see Appendix (G.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Hartman,--The Petition of George Smith and others, of the Township of Thorah; the Petition of the Municipality of the United Townships of Mara and Rama; and the Petition of J.H. Thompson and others, of the Township of Brock.

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By the Honorable Mr. Cameron,--The Petition of John Burke and others, of the Township of Newton, County of Vaudreuil.

By Mr. Crawford,--The Petition of Harvey Miller, Chief Ruler, and Christopher Fletcher, Recording Secretary, on behalf of Brock Tent, No. 331, Independent Order of Rechabites of Brockville.

By Mr. Fergusson,--The Petition of George J. Grange and others.

By Mr. Stuart,--The Petition of the Corporation of St. Andrew's Church, Quebec.

By the Honorable Mr. Young,--The Petition of Sister M.R. Coutlée, Superior, and others, Sisters of Charity in charge of the General Hospital in the City of Montreal.

By the Honorable Mr. Merritt,--The Petition of the Honorable J.S. Macdonald and others.

By Mr. Street,--The Petition of the Erie and Ontario Railroad Company.

By Mr. Ridout,--The Petition of Henry Taylor, of the City of Toronto; and the Petition of the Toronto and Guelph Railway Company.

By Mr. Brown,--The Petition of the Honorable Peter McGill and others, Bankers and Merchants of the City of Montreal; the Petition of Walter Laidlaw and others, of the Township of Esquesing, County of Halton;¹

MR. BROWN presented a petition from 300 freeholders of Acton in the county of Halton praying that the bill before the House for the abolishment of the faculties of law and Medicine in the University of Toronto may not pass. The hon. gentleman said that the fact of such a petition coming so quickly from the large and important county of Halton showed very plainly that the feeling in Upper Canada was not of the unanimous character it had been represented.²

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the Petition of E. Boudreau and others, Roman Catholic Parishioners residing in the Banlieue of the Town of Three Rivers;³

MR. BROWN presented another petition signed by 120 Roman Catholic Freeholders of Three Rivers in opposition to the Cathedral Tax Bill. He said that the genuineness of the signatures attached to the former position had been denied, and to enable the parties to make good their denial, he had obtained the printing of the document with all the names attached. It had been widely circulated, but not one word further had been heard of the fictitious names. The petition he had now the honour to present was signed by the Chief Church Warden of the Parish, the President and several members of the Board of School Commissioners, and by several Justices of the Peace. Of nearly 120 names attached to the petition, he was advised that all the signers would be subject to the proposed tax but 6--and that though a minority in number, the petition represented the majority in value of the whole parishioners. Certificates by

Justices of the Peace were attached to the petition attesting the genuine character of every name attached to it.⁴

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the Petition of James Campbell and others, of the Town of Goderich; and the Petition of David Inglis, Moderator, and others, the Kirk Session of St. Gabriel Street Church, Montreal, in connection with the Presbyterian Church of Canada.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend J.H. Sirois and others, of the Parish of St. Barnabé, County of St. Maurice; praying for the incorporation of a Company to construct a Railway from Quebec to Montreal on the North Shore of the River St. Lawrence, and that the guarantee of the Province may be extended thereto.

Of the Municipal Council of the County of Terrebonne; praying that the provisions of the Consolidated Municipal Loan Fund Act of Upper Canada may be extended to the Municipalities of Lower Canada.

Of the Reverend Etienne Hallé and others, of Ste. Claire and other Parishes; praying for aid to open and construct a Road through the said Parishes.

Of the Municipality of the County of Dorchester, Division Number two; praying for aid by the issue of Provincial Debentures, or otherwise, for the construction of Turnpike Roads in the said Municipality.

Ordered, That the Petition of the Honorable J.S. Macdonald and others, be now received and read; and the Rules of this House suspended as regards the same.

And the said Petition was received and read; praying for an Act of Incorporation for the construction of a lateral Railway and Branch from Thorold to Port Dalhousie.

Ordered, That the Petition of C.S. Cherrier, Esquire and others, Roman Catholic Citizens of Montreal, and the Petition of John Greenshields and others, Depositors in the Montreal Provident and Savings Bank, be printed for the use of the Members of this House.

On motion of the Honorable Mr. Macdonald, seconded by Sir Allan N. MacNab,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, copies of the last Annual Report, and of all Reports made during the present or last year, by the Inspectors of the Provincial Penitentiary or either of them.

Ordered, That the said Address be presented to His Excellency the Governor

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General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. MARCHILDON moved that the House go into Committee of the Whole on a series of resolutions of which he had given notice, tending to demonstrate to the Imperial Government the injustice of the Union of Upper and Lower Canada, and praying the repeal thereof.⁵

The motion was received with laughter, and cries of carried, and no, no!⁶

MR. AT. GEN. RICHARDS hoped the hon. gentleman would not think of seriously entertaining this proposition. He went to speak at some length of the resolutions, contending for the great benefits and advantages that the Union had conferred on the Province, and which had made it the most flourishing and most rapidly progressive portion of North American [sic].⁷

MR. MARCHILDON replied, speaking (in French,) in support of his motion.⁸

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*Mr. Marchildon moved, seconded by Mr. Jobin, and the Question being put, That the House will immediately resolve itself into a Committee to take into consideration a certain Resolution tending to demonstrate to the Imperial Government, the injustice of the Union of Upper and Lower Canada, and praying for the repeal of the Union Act 3 & 4 Vic. cap. 35; the House divided:9--And it passed in the Negative.*¹⁰

MR. DIXON¹¹ moved an Address to His Excellency for copies of all the Correspondence as well as the Petition praying for the dismissal of Thomas C. Dixon, Esquire, from the Commission of the Peace. He¹² said that he should as shortly as was consistent with justice to himself state the reasons that led him to make the motion that he was about to put. He first read a letter that he had received from the Provincial Secretary dated at Toronto, in 1849,¹³ stating that complaints had been made against his conduct as a justice of the Peace¹⁴ referring to a certain petition that had been forwarded to the Government, and asking if the charges in it were true. Before answering this letter he thought proper to obtain a copy of the petition¹⁵. Feeling his innocence, he determined to have his accusers brought before his face if possible, and wrote to the government accordingly. In answer to his request, a petition was sent to him without signatures.¹⁶ In reading it he found that in the preamble it contained charges of a nature to rouse the indignation of any man possessed of a spark of British feeling. He then proceeded to read to the House a portion of the petition, and the letter he had written in reply; and he asked hon. members if there was anything in that letter which was in any degree disrespectful.¹⁷ [He] asked for the names of his accusers, and generally replied that the allegations against him were false, that letter of his was dated on the 10th Dec., 1849.¹⁸ A long time elapsed before he received any answer to the letter in which he had requested to be furnished with a copy of the charges made against him, and in the meantime a very important election took place in which he bore a conspicuous part, and in which the Government candidate escaped just by the skin of his teeth.¹⁹ He received an answer to that on the 14th Feb. following. He should explain that the ... election ... was the reason of the delay. The letter of 14th February stated it was not customary to give the names of persons who made accusations against magistrates, nor necessary for his (Mr. D's) defence; and he was requested to state if he had any remarks to make upon the complaints preferred against him. He refused to answer anonymous charges.²⁰ In strong contrast to this letter he would show hon. gentlemen the course taken by a nobleman who had often been called by gentlemen opposite an "Indian Despot"²¹. He would ... read a letter of the Provincial Secretary of Lord Metcalfe's government expressing the sentiments of Lord Metcalfe on a similar point.²² A similar charge had been made by certain persons against a magistrate, and the reply in a similar communication to the one he had made ... stated that it was never the practice to allow charges to be made by any one against a British subject without furnishing him with the names of his accusers, as the opposite course would only tend to encourage persons to make anonymous charges without daring to come forward and sustain them. (Hear, hear.)²³ That was noble and manly.²⁴ It was only necessary to look on this picture and on that to see the contrast between the despotism of the Indian and the liberality of those liberal gentlemen some of whom are now sitting on the Ministerial benches. (Cheers.)²⁵ Yet Lord Metcalfe was called an Indian Despot and other opprobrious names.²⁶ In reply to this communication, he wrote, declining to enter into any explanation of charges so false and unfounded as those were, that had been made against him, unless he were furnished with the names of his accusers, as he could not otherwise have any confidence in

the fairness of the investigation.²⁷ He ... read his own letter to the Government²⁸ and what magistrate (Mr. D. continued) could continue to do his duty with uprightness and impartiality if he expected to be made the subject of charges by persons whose names were not known to him? He received in reply to this letter another stating that for reasons already assigned, his Excellency the Governor General was compelled, with regret--mark, Mr. Speaker, the words so carefully introduced with regret--to adhere to the determination already announced.²⁹ He ... read ... [the] letter from the Government dismissing him. He asked if there were any justice in the course pursued against him? He asked, what respectable man would consent to accept the office of magistrate, if he is to be stabbed in the dark by a cowardly assassin? If he might be accused behind his back and not be told the names of his accusers? And then be punished on that assassin information. Here the hon. member shewed that he had taken further steps to obtain the names of his accusers; and read the answers he had received from the Government, still refusing them to him. How did he know the ministry had not concocted the petition themselves? On what principle of justice could he be called on to answer a nameless scroll? He defied them to shew him one case from British practice analogous to that. From the earliest Saxon times in England, a man was always allowed to know the names of those who accused him; and that was a great and noble and sacred principle of British justice. It was a sacred principle of the British constitution, which he was proud to acknowledge. He read from Blackstone in support of this view.³⁰ Here the matter ended for the time, but when he obtained the honour of a seat in that House as the representative of the town of London, he determined to pursue the matter, and, on coming to Quebec, he asked the Provincial Secretary if the Government intended to furnish him with the names of those who signed the petition. After some delay he was told that they adhered to the determination formerly expressed. He then determined to bring the matter before the House. Either the petition was true or it was false--if it was true, why was he not brought up to the bar of the House and placed face to face with his accusers? If the charges were false, why were they persisted in, and why were not those who charged him with the infamous and disgraceful crimes contained in the petition, made to answer for it? These names had been refused to him on the ground that they were privileged papers, but he defied the Government to show, that by any principle of the English constitution could such papers be looked upon as privileged paper--and he read from Blackstone's definition of what privileged papers were.³¹ While he admitted that there might be cases, when such arguments might with justice be used, he denied, that a petition preferring charges against a simple magistrate was one of them. That kind of argument is only used in cases of plots or treasons against the state. He felt that every principle of British justice had been violated in his case; and that he had been deprived of a right that he possessed as a British subject. Because he differed in politics from gentlemen opposite, he was stamped with disgrace before the face of the whole country; and had no opportunity to clear himself.³² He knew that the King could in the eye of the law do no wrong, but the king was bound to see that none of his subjects suffered wrong--and if he had lived in any other part of the Empire, he would have had the means of obtaining justice. If he had the means of impeaching the members of the Government, they might rest assured that he would have spent his last penny in endeavouring to accomplish that end. In his present position he was an outlaw--he was beyond the pale of the law as much as any man who had ever been outlawed, although the forms of outlawry had never been performed upon him. If he had been accused of murder, of manslaughter, or of any other crime, he would have been dragged up in chains as a felon, and would soon enough have seen his accusers, (hear, hear,)--

but now that he was charged with acting in political matters, in a matter opposed to the views of the members of the ministerial benches, he was condemned and punished without even seeing or knowing who his accusers were. After the lapse of some time,³³ by persevering research, he had succeeded in finding out the names of eight of his accusers, and had vindicated his conduct as a magistrate before a grand jury.³⁴ He brought an action against them for libel; and to carry on the action it was necessary to have the evidence of the Provincial Secretary, and for that purpose³⁵ he had appealed to the Court of Queen's Bench, the highest tribunal in the land, and on his application a subpoena was issued against the then Provincial Secretary Mr. Leslie,³⁶ and it was served upon him in his office as could be easily proved; but what was the course pursued by these gentlemen, who watched over the liberties of a free country? The Attorney General of that day³⁷ in the presence of the messenger,³⁸ told the Provincial Secretary to take no notice of the summons, and he acted on that advice, and in consequence of the withholding of this evidence, the action was not proceeded with, (cheers) although he held some 5 or 6 of these parties on bail for 6 months. Such was the state to which the law had been reduced in this country by those gentlemen who so loudly professed to hold liberal opinions that the mandate of the Court of Queen's Bench was set aside when it interfered with certain political manoeuvres.³⁹ Thus the highest tribunal of the country was treated as nothing by these gentlemen. He read farther extracts from Blackstone; and asserted that he had been condemned and punished for charges that had never been proved against him and which were false. Again he said that was contrary to the principles of British justice. He was denied the privileges that were accorded to the meanest criminal.⁴⁰ But if he lived for 20 years he would pursue the matter to a conclusion, let it cost him what it would, for he would never allow his rights to be trampled on by any set of men whoever they might be.⁴¹ He read from Campbell's Lives of the Chancellors, which he thought should be regarded as an authority among liberals, to the effect that a magistrate ought not to be removed from the commission of the peace, upon charges preferred against him until these charges were proved against him, and he has had an opportunity of replying. He particularly called the attention of the house and ministers to that.⁴² He read from the Lives of the Chancellors certain cases of a similar nature, in which the course adopted had been precisely the opposite to that pursued by the Government here. He was a tory of the old school.⁴³ He next read a number of statements of members of the government on the floor of the house during this session to the effect, that if gentlemen had any charges against magistrates they should prefer them, and they would be inquired into. He did not blame, that but he only wished to call the attention of the house, to the different manner in which he had been treated.⁴⁴ He then took up a number of the Globe in which there was a report of the debate in the assembly at Toronto⁴⁵ on his case⁴⁶ and he read from⁴⁷ speeches of Messrs. Lafontaine and Hincks⁴⁸. [The] speech of Mr. Hincks ... laid down that a magistrate was an officer of the crown. This he totally denied. A magistrate was not an officer of the Crown any more than a Chief Justice on the Bench. He was an officer for the administration of law, and not of the Crown⁴⁹ in the ordinary sense of the term....It was on the assertion that he was a servant of the crown, that Mr. Lafontaine held that he was not entitled to the names of his accusers.⁵⁰ In the same report he found it stated by Mr. Hincks that he (Mr. Dixon) was a distinguished member of the Orange Association, but he never had had the honor of belonging to that association. He hoped that if he had, his antecedents in that association would not have been quite the same as those of the Inspector General. It was also said that riots had taken place in London, in which he had taken part; that was also false; no riots had taken place.⁵¹ Both statements were false. He had no

wish to use improper language on the floor of the House, but could not speak less strongly. He never was an orangeman, and had never aided in a riot. But he respected orangemen and would defend them. They were not guilty of the vile conduct of which the Inspector General had accused them. Was that statement of the Inspector General characteristic of the office of minister or of the man? He read other statements from the speech of Mr. Hincks which he also pronounced to be false. Yet there the hon. gentleman sat apparently quiet in his seat. It was in such manner that the government bolstered up their defence. He asserted that no man could put his finger on one single act of his as a magistrate to his discredit. The higher Courts had never upset one of his judgments. He had performed his duties honestly and conscientiously and no man could say aught against him.⁵² Why, they made him out to be a man fond of bloodshed, and totally void of all civilization; but was that the character that he had born when he had been in the House? No, nor was it the character that he had born in the town of London; and the best proof of the character that he had born was that he had been returned to Parliament against the most influential man that the Government or any one else could have brought out against him. He had been charged with crimes of the most ruinous nature, and had met them in the only way that he could when he did not know the names of his accusers, by an unqualified denial. No man would submit to such treatment, and he appealed to the justice of the House for protection.⁵³ It was against his private feelings to bring this matter before the House, but as he had before stated he felt that his rights as a British subject had been invaded, and he appealed to the House for the names of his accusers if they did not wish to consecrate injustice. (The hon. member's remarks were throughout greeted with cheers from the conservatives.)⁵⁴

MR. INSP. GEN. HINCKS said that those who had listened to the hon. member for London would imagine that the Government had been guilty of the most high-handed conduct; but the real fact of the case was that the Government had dismissed the hon. gentleman from an office which he held during pleasure because he did not choose to say whether the charges made against him were true or false. Why should he not explain distinct charges without knowing the names of his accusers. (Cheers.) He had been amused very much⁵⁵ to hear the approving cheers from gentlemen opposite while the hon. member was addressing the house. What had been their course?⁵⁶ The hon. gentlemen opposite had been guilty of acts of ten times greater tyranny; they had dismissed from the magistracy men without even letting them know what were the charges against them; and⁵⁷ without giving them any opportunity of explaining their conduct at all. Did they want a case? Mr. Hamlet of the County of Middlesex was dismissed without any reason given him, and probably at the secret suggestion of the hon. member for the Town of London himself. Did the hon. member want another case? Himself (Mr. Hincks). He (Mr. Hincks) was dismissed without any satisfaction being given to him⁵⁸ [and] without to this day knowing the reason why.⁵⁹ Did they want another case? Mr. Deloe of the County of Leeds. Now he (Mr. H.) denied that it was necessary to furnish the names of those who made charges against magistrates. He did not think the public interests demanded that.⁶⁰

MR. ROBINSON.--You can't show a single case analogous to this, in which any ministry anterior to the present one, ever denied names, when they were asked for.⁶¹

MR. INSP. GEN. HINCKS considered it far worse tyranny to dismiss a magistrate without giving him any opportunity of explaining his conduct, than to give him an opportunity without the names of his accusers.⁶² The whole tenor

of the hon. gentleman's speech turns on them. He appears to imagine that he has a⁶³ natural right⁶⁴ to be in the magistracy, and he has talked a great deal about the rights of British subjects, but he was quite willing to justify the conduct of the Government on that occasion, for the hon. gentleman was dismissed on charges that he refused to meet in any way because the Government did not choose to give the names of his accusers. The Government was quite justified in refusing to give the names under the circumstances.⁶⁵ He (Mr. H.) held, that the public interests required [that] the conduct of magistrates should be closely looked into; and those who brought it under the consideration of the Government for inquiry, should not be liable to action for doing so.⁶⁶ The hon. gentleman has read a long list of charges from a report in the Globe, but⁶⁷ with reference to the extracts which the hon. member had read from his (Mr. H.'s) speeches, he replied that without knowing whether they were exactly reported, as he could not remember them, he would only say, that if he had made any representations, it must have been upon information, not of his own knowledge.⁶⁸ After what he (Mr. Dixon) stated about the Orangemen it was not surprising that he had been put down as an Orangeman⁶⁹ if he generally spoke as he had done in the House that night. The hon. member had stated that he (Mr. H.) was an orangeman and had alluded to what public notoriety said of his antecedents⁷⁰--but I can only say that I never was directly or indirectly connected with that society, and I have never spoken of them but in terms of condemnation.⁷¹ He believed after the statements of the hon. member, that the charges which had been preferred against him were not correct. With regard to the Government it must be remembered that it was a time of great excitement, and the hon. member has charged the ministry with parading the Governor through the country. All he could say was that the Governor's visit was asked for by large numbers through the western counties, and though the hon. member pretended to know nothing about the matter, he would not pretend to deny that the Governor had been met outside the town and advised not to enter it.⁷² The hon. gentleman will not deny this that he told the Governor General, that he could not enter the town of London without danger to his life.⁷³

MR. DIXON said that he did not say that; he only said that he had been informed, as Mayor of the town, that it would not be safe.⁷⁴

Cheers from the opposition.⁷⁵

MR. DIXON said he knew that such representation was made and that but for his exertions, he believed that the Governor would not have entered London.⁷⁶

MR. INSP. GEN. HINCKS could not see any great distinction, and replied with great warmth, that at any rate the hon. gentleman had admitted that the persons over whom he had control were prepared to do injury to the representative of Her Majesty. (Cheers.) He could not deny that it had been attempted by threats to frighten the representative of the Crown and deter him from entering the town⁷⁷. The hon. member acknowledged that he had communicated to His Excellency that he could not in safety enter the town.⁷⁸

MR. DIXON said he had said nothing of the sort. He had had nothing to do with the communication.⁷⁹

MR. INSP. GEN. HINCKS well then the hon. member had not had sufficient care for the person of the head of the Government. The friends of the hon. member as that gentleman thought could intimidate the representative of Her Majesty, and he supposed this was done, as was generally believed by the Orange Lodge. His Excellency, however, was not to be thus intimidated, he entered the town and fortunately there was no riot.⁸⁰ The Governor General went over the country at the invitation of many of the inhabitants, and the reception that he met with

in the county of Middlesex was very galling to the feelings of the hon. member for the town of London. (Cheers.) He was quite willing to take, so far as he was concerned, all the responsibility of the action, considering that the Government were perfectly justified in taking the course that they had done. They had dismissed him from the magistracy on charges which he refused to meet.⁸¹

MR. H. SMITH (Frontenac) said that he did meet them--he denied them altogether.⁸²

MR. INSP. GEN. HINCKS--As the hon. gentleman had attempted to prosecute the people who had given information as he was also ready to justify the government for sheltering them from this prosecution. This was the only protection the people had against magistrates, in whose nomination they had no voice.⁸³

SIR A. MACNAB was sorry to see in a case like this, the chief of the government showing so much heat. That was the person to whom the House should look for an example; but instead of argument they had nothing but assertions tending to raise the prejudices of the House by appeals to the passions of the past.⁸⁴ [He] defied the Hon. Inspector General to point out a singular instance in which a person had been dismissed from the magistracy under circumstances like those by any Government preceding his own. He says that he (Mr. Hincks) was dismissed from the magistracy. Did he even inquire the reasons why he was dismissed?⁸⁵

MR. INSP. GEN. HINCKS.--No!⁸⁶

SIR A. MACNAB--Then he is the first person that I ever heard of who was dismissed from the magistracy without inquiring the reason. It looks very much as if he acquiesced in the justice of the sentence. (Cheers.)⁸⁷ He must have deserved it, or the hon. member was the last man to submit quietly in that way. Sir Allan then maintained that no man ought to be subjected, as Mr. Dixon was, to secret accusations of this kind, and he put it to the House, if Mr. Dixon, whom they knew, was the man to attack the governor with clubs ... and aid a riot, as he was accused of doing. The affair was a disgrace to the government.⁸⁸ It was impossible for any man to go into an explanation of charges generally expressed like them. He had answered them in the only way that he could by a general and unqualified denial. He wanted to know by what principle of law the Provincial Secretary had not gone to appear as a witness when summoned by the court of Queen's Bench. It was only the other day that they had seen the Lord Lieutenant of Ireland go down to court as a witness.⁸⁹

MR. AT. GEN. RICHARDS contended that it would have been candid to assert that there were in the peti[tion] certain specific charges, and these ought to have been answered, if more general charges were not. If persons acting under the government would not explain charges against them for acts stated to have occurred on such or such a day, he thought they should be discharged. Nor did he conceive that it was for the public good that the people should be deterred from making charges against officers acting during pleasure. The government believed the accusers were acting in good faith, and they did not choose to subject them to the oppression, which had been practised in some parts of the country against persons who had signed similar petitions. The broad principle of the law was that those who made accusations in good faith against public officers even if mistaken were to be protected. Therefore the government could not participate in the prosecution of men who had acted in good faith. If hon. members believed, like the government, that those accusations were made in good faith, why should they vote to have the names of those persons produced. What mattered who they were? What satisfaction would it

give to the hon. member? Would he prosecute them, or would they merely be subjected to the effects of his ire? On the other hand, if the House thought these people merely incited by the government, it would naturally vote to have the names produced.⁹⁰

MR. J.A. MACDONALD.--The Inspector General, had declared that the course adopted in the case of Mr. Dixon was the usual course, and was the right course; but they had produced neither argument nor proceeded to prove that it was right. He would venture to assert that no precedent was to be found, of a man being accused of all sorts of the blackest crimes, without being confronted with his accusers.⁹¹ No Government that had before existed in the country had taken the course that had been pursued in this instance by the present Government, and by that which had immediately preceded [sic] this one. From the year 1688 when our present constitution dates never was such a course taken as this. The Attorney General who was as industrious as any one could be in searching up precedents was unable to find one.⁹² In all civilized countries of modern times, there was but one⁹³ in the world where such a course would be justified, and that is a country, the most corrupt⁹⁴ and degraded⁹⁵ nation in the world, the republic of Venice, where many an unfortunate wretch had been laid for years in dungeons; judged and condemned as the member for London had been.⁹⁶ There was the "Lion's mouth" in which spies dropped their secret and malicious information, and many a victim had passed the bridge of sighs in consequence. The only ground he repeated for refusing the information sought for was the assertion that this was not the customary course. He denied the truth of that assertion.⁹⁷ He did not say that what the ministers said was untrue, but he would say that they were most egregiously mistaken. What reason was assigned by the Provincial Secretary for refusing to give the papers? Why, that the Governor General had been advised not to give them, because it was not customary to furnish magistrates charged in this way with the names of their accusers. This is a mistake, it is not founded on fact as was evident by the letter of Mr. Leslie's immediate predecessor Mr. Daly. What does he say after his immense official experience as Provincial Secretary for United Canada from 1841 to 1848, and as Secretary for Lower Canada before that. He knew whether it was customary or not. Why, said he in reply to a person who requested the Government not to send the names of the petitioners against a public functionary to that person, I am commanded by his Excellency to say that in every case when a complaint is made it is an invariable practice to furnish the accused with a full copy of the complaint with the names attached that he may be made aware of what he is accused, and that he may know the names of his accusers.⁹⁸

MR. INSP. GEN. HINCKS said that he supposed that in that case the person charged was a supporter of the Government⁹⁹, and in the one he (Mr. Hincks) had mentioned an opponent.¹⁰⁰

MR. J.A. MACDONALD said that the Inspector General was very ready with his explanation, but he was about as correct as when he said that Mr. Dixon was an Orangeman. The course taken by the Government was evidently wrong, and his Excellency was wrongly advised, and he must have been disgusted with the advice he was bound to accept. As an English nobleman, he must have been disgusted, but he had to take their advice although he must have known that it was contrary to all British practice. It was doing what has never been done in Canada before. He (Mr. Macdonald) could state of his own knowledge two cases that occurred, in ... which¹⁰¹ Mr. Baldwin, the attorney general had given the names of accusers ... for the purpose of prosecution. One of these was in 1842, in the case of the High Sheriff of the Midland District,¹⁰² the Attorney General himself had furnished documents for the purpose of enabling

the Sheriff ... to meet charges that were made against him, and these charges were not proved, and the Sheriff recovered £150 damages from the parties that brought the charges against him. He then went on to cite another case of a similar nature,¹⁰³ [that] of Mr. J. Powel. And not only this; but this very same Government had sent the names of his accusers to Mr. Gowan¹⁰⁴. He appealed to the Attorney General if what he had stated was not the fact, and if the Government had not furnished the names in the instances that he had mentioned.¹⁰⁵

MR. AT. GEN. RICHARDS said that the Government did send the names.¹⁰⁶

MR. J.A. MACDONALD said--Now, I am told that the Government has given the information which they refuse in this case. This very Government which declare that it is not customary to grant names, have themselves given them in many instances, and why then should they refuse them to Mr. Dixon?¹⁰⁷ When it suited the Government, they got up and said that it was not customary to give the names. If a man was accused of the vilest crime in a court of justice, was he ever called on to do more than give the general denial of not guilty? Was he to set forth all the circumstances that established his innocence, before any act of guilt had been established? Was not every man before he was called on to plead to an accusation of felony entitled to a copy of his indictment and a list of all the witnesses against him? And in the eye of common sense were not the charges against Mr. Dixon just as grave, as if they had been made in a Court of Justice? Had he been merely discharged indeed from the magistracy, that would have been nothing; but he was discharged as corrupt, as a rioter, as a magistrate capable of assembling and illtreating his fellow citizens. Had he not a right to the privileges accorded to any scoundrel who had robbed a hen roost? He then read an extract from an act of Parliament, providing for the protection of public officers against false representations, and asked why Mr. Dixon had not the benefit of that law? The Attorney General indeed said that an accuser of a public officer acting in good faith could not be prosecuted; but he could certainly be held up to public odium for his conduct.¹⁰⁸ The Crown has an undoubted right to dismiss magistrates, but not to dismiss them with a stain on their characters which they will not give them an opportunity to wipe off. The case is not at all similar to those cited by the Inspector General, for those persons were simply dismissed not with any stain attaching to their characters.¹⁰⁹

MR. ROSE said that there were exceptions to all general rules, and all that he had to inquire was whether this was such an exception. He believed that Mr. Dixon had suffered great injustice; but he had received the most striking proof that these accusations were untrue, in the confidence which his fellow citizens had since reposed in him. But, whatever propriety there might have been in giving the names at the time, and he thought as a rule names should be given, he could see no utility in doing so now, and he believed there were times, when names of accusers could not be given with safety--when accusers would not dare to testify against public officers, unless their names were concealed. He admired the speech the hon. member had made in his own behalf,--it was marked with propriety; but he could not understand the propriety of the attack the hon. member had made on the new magistracy. Here Mr. Rose made some remarks in defence of the recent appointment, and concluded by saying that though he still thought Mr. Dixon had suffered injustice, this arose chiefly, perhaps, from the persistency with which he, in pursuance of what he thought right, refused to justify himself.¹¹⁰

MR. H. SMITH (Frontenac) thought the ministry could never be placed in a more disgraceful position, than to be seen relying upon their majority, and eschewing all arguments, in a case involving the most important interests of

Justice. His hon. friend from Kingston had denied that it was customary to refuse names. He maintained that denial, and mentioned two names of magistrates, one of whom had been reported by a most respectable judge to be a drunkard and the other as a public barritor [sic]. Yet the names were given in both cases, and they remained out of the commission till one was recently appointed after having actively opposed the member for Kingston. There was a judge too whose conduct was now undergoing examination, were the names of his accusers not given? Of course they were, and why should they not have been given to Mr. Dixon, as well as to the judge [sic] to whom the Attorney General had given these names.¹¹¹ He considered that the ministry were in a humiliating position in refusing to a political opponent the justice to which he was entitled. Since the time that these things took place he had been elected over the government candidate as member for the town of London.¹¹² There was the case of a venerable and most respectable member of that House demanding justice, and he called on the House to give it [to] him; for what was his case today might be that of any other one among them to-morrow. He wanted no party triumph; but wanted to establish a good principle which should apply to all. The Inspector General said that as Mr. Dixon had not denied all the accusations against him specifically [sic], they were all taken to be proved. Why one of these accusations, it was stated in the petition itself had been brought into Court and Mr. Dixon had been acquitted....[He] hoped for the future in such cases there would be more argument and less appeals to party feelings. When the Inspector General rose to reply to Mr. Dixon, it was evident that he felt himself embarrassed. He had talked about Orangism [sic], and party feeling, and everything else except the proper justification of their conduct. The House had nothing to do with anything of the sort.¹¹³ He should have liked to have heard from the Attorney General some reason why these papers should be looked upon as privileged papers but he had heard nothing of the kind. Even in the case of high treason the Crown could not withhold the papers containing the charges. He trusted that the Government would not refuse the papers which in any other case would be granted as a matter of course.¹¹⁴ He asked in conclusion whether the House would deny to this venerable member of their own body the justice which they would not refuse to the lowest criminal in jail? If they did not they would encourage all sorts of accusations against public officers, because those who made them would know that they would be screened from responsibility.¹¹⁵

MR. PROV. SEC. MORIN ... [said] some words, in a voice which did not reach the gallery¹¹⁶.

MR. ROBINSON said a few words.¹¹⁷

DR. FORTIER said he did not justify the ministry, past or present; but if the ministry had the power to dismiss magistrates, it must do so to the best of its ability, or its power became a nullity, and its officers tyrants. If the hon. member were dismissed and the reasons were given ... him, it was his business to justify himself, he put it to¹¹⁸ the Conservative party if they would not sustain their own prerogatives, if they were in power, under similar circumstances?¹¹⁹

MR. GAMBLE was surprized to hear the hon. member¹²⁰. [He] would like to know how the hon. member for Nicolet would like to have his own arguments applied to himself?¹²¹ He did not deny that Government had power to discharge any magistrate, and if they had done this without giving reasons, or if they had issued a new commission and had dropped him, of course no one would have said anything about it; but here charges were brought and made public and the action of the Government was an assertion that these abominable [sic] charges

had been proved. He asked every man to put this case to himself and see how he would like it.¹²² Here a gentleman was dismissed from the magistracy on charges that he had denied, contrary to the sound principles of law, which believe a man to be innocent till he is proved to be guilty; but in this case a man is deemed guilty till he is proved to be innocent. It was the case of the hon. member to-day; but it might be the case of any other hon. member to-morrow. He thought that if the Government persisted in this course they would establish a very dangerous precedent.¹²³

DR. FORTIER said these were not cases, where the matter must be proved as in the Court of Queen's Bench. The Government was informed of something that made a magistrate unfit for his post and they discharged him, after giving him an opportunity to disculpate himself. Ergo, he was dismissed.¹²⁴

MR. MURNEY said here was a Gentleman who evidently engaged the confidence of the Country, who had been dismissed from the magistracy on charges which¹²⁵ the Inspector General admitted¹²⁶ to be incorrect, and yet the names of his accusers were withheld. The Inspector General asked how was he injured? Why a man might be insulted though he were not much hurt. You might spit in a man's face, and he would shoot you; yet the Inspector General would not think him hurt much. Would it not be much better instead of the Government having a parcel of spies in every constituency to retail tittle tattle, to have told these informers that they must either withdraw their information or give their names. He understood that Mr. Gagy was being employed now to investigate the conduct of a magistrate at Drummondville. Why was not the same justice done to Mr. Dixon.¹²⁷

MR. J. SMITH of Durham thought no one would adopt the doctrine in a broad sense that names of accusers must always be given. Then if it were left to the discretion of the ministry, it was a mere question whether that discretion had been properly exercised. He thought it would have been better if the hon. member had denied the charge, and so made up an issue. This would have been at any other time done, but for that horrid rebellion loss bill, and for some little party spirit, and for the fact of the dignified position of [the] Mayor of London. If the hon. member had in his first letter denied the truth of the statements against himself, then it would have been for the Government to ask for proof, and had they not obtained it, he (Mr. S.) would have looked on the case in a decidedly different light¹²⁸ and he (Mr. Smith) would [have] vote[d] differently to what he was going to do.¹²⁹ He was opposed as much as any one to inquisitorial proceedings; but the hon. member had placed himself in a wrong position.¹³⁰

MR. H. SMITH (Frontenac).--He did deny it.¹³¹

MR. J. SMITH (Durham) said that he did not deny it, as he could understand.¹³²

MR. H. SMITH.--You would then have another excuse. (Laughter.)¹³³

MR. MACKENZIE recollected seeing the hon. member for London accused in 1849, of being the leader of¹³⁴ a band of armed ruffians to attack the representative of the Sovereign.¹³⁵

A VOICE.--What did you do? (Laughter and cheers.)¹³⁶

MR. MACKENZIE.--In those days the Government were oppressing the people.¹³⁷ The hon. member then alluded to the disturbances at Montreal, and said that it was at that time excitement, that a petition was presented against a magistrate. And they were told that the ministry were to follow the example of D. Daly--the man who was in power, when the magistrates in Lower Canada were turned out in 1837. This was only a matter of political bunkum, and he would

never go into this sort of thing. After alluding to the riots in Montreal, the hon. member declared that however estimable the hon. member might be [in] private life, he was a very violent politician, and only got in by the accidental majority of fourteen, because Mr. Wilson had gone a little too far in the way of liberty. He thought the hon. member should have denied the charges, and thus have shewn his respect to the Crown and then have asked the name of his accusers. Mr. McKenzie then related all the charges contained in the petition, and said that the hon. member ought to have explained his conduct then, and not have come down there now to torment and harrass the House; groaning in spirit.¹³⁸ Why does the gentleman take up the time of the House with old yarns about the year 1849? Why did he not at once deny the truth of the allegation? Communication after communication went between him and the Government and that Government was the Government of his country, no matter whether it was an ancient nobleman like Lord Elgin, or Lord Gosford, or Lord Aylmer, or that last and least of all creation Sir Francis Head.¹³⁹ He thought the Government perfectly right to remove the hon. member, no matter whether the people there chose to make him mayor or not; he would have despised them from the bottom of his heart had they not; and hoped the large majority of 14 were not all like their representative. His was not the case of 1837 when the people of the country rose against arbitrary power; in 1849 it was a set of hungry office holders trying to force themselves back again. He was glad, however, the hon. gentleman had brought his case before the public, for he thought justice should be done to ... his character, as a most polite, amiable man; but¹⁴⁰ the gentleman, whatever his conduct in private life may be, is certainly a most¹⁴¹ violent partizan.¹⁴² He then went on to speak of the events at Montreal in the year 1849, and said that the people fully understood him, and the hon. gentleman opposite, and if the hon. gentlemen on this side of the House--if they don't mind their p's and q's they would understand them too. (Cheers and laughter.)¹⁴³ From this point Mr. McKenzie diverged to Bishop Strachan and Chief Justice Robinson, and thought it no wonder that the Governor did not want to fall into the hands of that faction. Did not this affair happen at the same time that Mr. Baldwin, Mr. Blake and himself were burnt in effigy by Orangemen who were once the best friends he had, and who had helped him into Parliament.¹⁴⁴

MR. BADGLEY said that this question was of more importance than any affecting the member for London. The question is not whether he has been injured or not, but the question is whether a subject of Her Majesty has been ill-treated or not.¹⁴⁵ The government had no doubt the right to discharge any public servant without cause given. Had they done so no complaint could have been made; but the moment the government entered the arena with specific charges, that moment they were bound to prove their statements and give the names of those who had made them. Perhaps it would have been better had the hon. member denied the charges in the first instance; but he had [the] right to answer even then as he did, and in his second answer, he certainly gave a most complete denial to them all.¹⁴⁶

MR. DIXON then replied briefly to the gentlemen who had spoken in opposition to his motion.¹⁴⁷ If he had been merely dismissed from his office he should have made no complaint, but he was dismissed upon a list of disgraceful charges, which he had denied in the strongest terms. He said they were false; he said they were unfounded. Then the Inspector General said that without these informations [which] were kept secret, no magistrate's conduct could be inquired into; what was that but to say that unless a thing were prosecuted in the dark, it could never be brought to the light. Of course the people had a right to petition for his dismissal, but if they did so they must take the responsibility.¹⁴⁸

MR. BROWN said, that he should not like to give a silent vote on this matter, but he would not detain the House a moment. Where a public officer was charged with improper conduct there could be no doubt that, as a general rule, the party accused should have copies of the charges made against him. (Cheers.) But there are exceptions to every rule, and he thought that this was one. From what he knew of the circumstances of the case, and he was fully conversant with them, he thought that the hon. gentleman had been most properly dismissed.¹⁴⁹

Hear, hear from the Treasury benches.¹⁵⁰

MR. BROWN [continued:] He believed that the Government were justified in what they did. The question next arises, shall we give up the names of the parties who signed the petition against the hon. gentleman that he may take action against them? I do not think we should. Four years have passed away--the incident has long been forgotten.--Why shall it be raked up at this distance of time to excite bad feeling and hostility among neighbours? If the matter was recent, or if the hon. member had sustained any harm in reputation--and his presence here shows he has not--the case would have been very different. The events of 1849 had better be allowed to sink away into forgetfulness; the hon. gentleman, like many others, was, no doubt, carried away by the excitement of the time, and he should not wish to revive the feelings of that day. The affair was made a party matter with the friends of the hon. gentleman and helped him greatly. It made a martyr of him, probably gained him his seat in this House, and has, in fact, done him good rather than harm. It can, therefore, serve no purpose to give up these papers but to enable the hon. gentleman to go to war with certain parties. I do not, therefore, think that it would be advisable to grant the names.¹⁵¹

MR. MERRITT said that the member for Kent had anticipated what he was about to say. As a general rule the names of accusers should be furnished to the party accused, but he thought this case was an exception, and he would vote against the motion.¹⁵²

The motion was then put¹⁵³.

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Mr. Dixon moved, seconded by Sir Allan N. MacNab, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to transmit to this House, copies of all the Correspondence had between Thomas C. Dixon, Esquire, and the Provincial Government, relative to the latter's dismissal from the Commission of the Peace, and also a Copy of the Petition, and of the names thereto, of certain individuals praying for such dismissal; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Christie of GASPE, Clapham, Dixon, Gamble, Gouin, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Marchildon, McDougall, Murney, Ridout, Robinson, Sanborn, Seymour, Shaw, Street, Smith of FRONTENAC, Stuart, Terrill, Viger, Willson, and Wright of West Riding of YORK.--(25.)

NAYS.

Messieurs Brown, Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Dumoulin, Fortier, Fournier, Hartman, Hincks, Jobin, LeBlanc, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, Merritt, Morin, Morrison, Paige, Patrick, Poulin, Rolph, Attorney General Richards, Sicotte, Smith of DURHAM, Taché, Valois, Varin, Wright of East Riding of YORK, and Young.--(33.)¹⁵⁴

So it passed in the Negative.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to incorporate the London and Port Sarnia Railway Company," with several Amendments, to which they desire the concurrence of this House.

And then he withdrew.

Mr. Smith of Durham moved, seconded by Mr. Christie of Wentworth, and the Question being put, That this House will, at the rising of the House on every Tuesday, adjourn until the following Wednesday at ten o'clock in the forenoon; the House divided:--And it passed in the Negative.

Ordered, That Mr. Sicotte have leave to bring in a Bill to authorize the Depositors in the Montreal Provident and Savings Bank to appoint Trustees to wind up the Affairs of the said Bank.

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He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. Ridout, seconded by Mr. Hartman,

Ordered, That the 64th Rule of this House be suspended as regards a Bill to incorporate a Company for the erection of an Hotel in the City of Toronto.

Ordered, That Mr. Ridout have leave to bring in a Bill to incorporate a Company for the erection of an Hotel in the City of Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. D. CHRISTIE¹⁵⁵ (Wentworth) moved, that the 64th Rule of this House be suspended, in so far as relates to the incorporation of a Company to construct a Railway from Brantford to Malden.¹⁵⁶

This was objected to by MR. MORRISON, on the ground that it would from its position interfere with other roads now in course of construction, and that it was time to put an end to the system of allowing Companies to be incorporated without proper notice.¹⁵⁷

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Mr. Christie of Wentworth moved, seconded by Mr. Wright of the East Riding of York, and the Question being put, That the 64th Rule of this House be suspended in so far as relates to the incorporation of a Company to construct a Railway from Brantford to Malden; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Cameron, Christie of WENTWORTH, Fournier, Gouin, Hartman, Hincks, McDonald of CORNWALL, Mackenzie, Mattice, Merritt, Morin, Sanborn, Smith of DURHAM, Sicotte, Terrill, Varin, Willson, and Wright of East Riding of YORK.--(18.)

NAYS.

Messieurs: Badgley, Brown, Burnham, Chabot, Chapais, Clapham, Dixon, Dunoulin, Fortier, Gamble, Jobin, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Marchildon, McDougall, Morrison, Murney, Polette, Ridout, Robinson, Seymour, Shaw, Smith of FRONTENAC, Street, Stuart, Valois, Viger, Wright of West Riding of YORK, and Young.--(30.)

So it passed in the Negative.

Ordered, That Mr. Christie of Wentworth have leave to bring in a Bill for incorporating and granting certain powers to a Company for the purpose of creating and using Water-power on the Grand River.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Order of the day for the House again in Committee on that part of the Report of the Commissioners of Public Works for the year 1851, relating to the opening of a Canal between the St. Lawrence and Lake Champlain, being read;

Ordered, That the said Order of the day be postponed until Wednesday next, and be then the first Order of the day.

The Order of the day for the second reading of the Bill to incorporate "The Stanstead, Shefford and Chambly Railroad Company," being read;

On motion of MR. TERRILL,¹⁵⁸

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The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

A Bill to repeal so much of the amended Assessment Act of Canada West, as requires the County Councils to meet on the first day of May in each year to equalize the Assessments, and fixing the third Monday in June instead thereof, for that purpose, was, according to Order, read the third time.

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Resolved, That the Bill do pass, and the Title be, "An Act to repeal so much of the amended Assessment Act of Upper Canada as requires the County Councils to meet on the first day of May in each year, to equalize the Assessments, and fixing the third Monday in June instead thereof, for that purpose."

Ordered, That Mr. Gamble do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to divide the Common of Maskinongé among the Co-proprietors thereof, being read;

Mr. Polette moved, seconded by Mr. Fortier, and the Question being proposed, That the Bill be now read the third time;

Mr. Dumoulin¹⁵⁹ moved in amendment to the Question, seconded by Mr. Jobin, That all the words after "be" to the end of the Question be left out, in order to add the words "again referred to the Standing Committee on Miscellaneous Private Bills, together with the Petition of Hercule Bruneau and others, of the Parish of Maskinongé, County of St. Maurice" instead thereof;

And the Question being put on the Amendment;--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be again referred to the Standing Committee on Miscellaneous Private Bills, together with the Petition of Hercule Bruneau and others, of the Parish of Maskinongé, County of St. Maurice.

A Bill to incorporate the Port Whitby and Lake Huron Railroad Company, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the Port Whitby and Lake Huron Railway Company."

Ordered, That Mr. Wright of the East Riding of York do carry the Bill to the Legislative Council, and desire their concurrence.

Ordered, That the remaining Orders of the day be postponed until Tomorrow.

Then, on motion of Mr. Fortier, seconded by Mr. Gouin,
The House adjourned.

APPENDIX: 4 APRIL 1853.

[QUESTION AND ANSWER RE: LIGHT HOUSE AT CAPE ROSIER.]¹⁶⁰

MR. R. CHRISTIE (Gaspé) enquired of the Ministry whether it is the intention of the Government to build a Light House at Cape Rosier, in the Gulf [of] St. Lawrence, agreeably [sic] to the act making provisions for the purpose, and when.

MR. COM. PUB. WORKS CHABOT as we understood, replied in the affirmative.¹⁶²

[QUESTION AND ANSWER RE: IMPROVEMENT OF NAVIGATION ON RICHELIEU.]¹⁶³

MR. GOUIN [asked a question]¹⁶⁴.

MR. COM. PUB. WORKS CHABOT (in French) stated in answer ... that the ministry have no intention to improve the Navigation on the River Richelieu from Sorel to St. Johns, by deepening the said River and enlarging the Chambly Canal.¹⁶⁵

FOOTNOTES: 4 APRIL 1853.

1. The presentation of this petition was reported by GLOBE, 19 April 1853. The following papers noted its presentation in identical accounts: MORNING CHRONICLE, 8 April 1853, MONTREAL GAZETTE, 11 April 1853, PILOT, 12 April 1853, and BRITISH COLONIST, 15 April 1853.
2. GLOBE, 19 April 1853.
3. The presentation of this petition was reported by GLOBE, 19 April 1853. The following papers noted its presentation in identical accounts: MORNING CHRONICLE, 8 April 1853, MONTREAL GAZETTE, 11 April 1853, PILOT, 12 April 1853, and BRITISH COLONIST, 15 April 1853.
4. GLOBE, 19 April 1853.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. HAMILTON SPECTATOR DAILY, 5 April 1853, reported that the motion was "lost without division."
10. GLOBE, 19 April 1853, reported that "only the seconder ... [voted] in favour of the motion."
11. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 8 April 1853, MONTREAL GAZETTE, 11 April 1853, PILOT, 12 April 1853, HAMILTON SPECTATOR DAILY, 14 April 1853, BRITISH COLONIST, 15 April 1853, HAMILTON SPECTATOR WEEKLY, 21 April 1853, and HAMILTON SPECTATOR SEMI-WEEKLY, 16 April 1853. The debate was also reported by GLOBE, 19 April 1853. It was noted in identical accounts by: HAMILTON SPECTATOR DAILY, 5 April 1853, and NORTH AMERICAN WEEKLY, 7 April 1853. Commentaries appeared in HAMILTON SPECTATOR SEMI-WEEKLY, 9, 16 April 1853.
12. MORNING CHRONICLE, 8 April 1853.
13. GLOBE, 19 April 1853.
14. MORNING CHRONICLE, 8 April 1853.
15. GLOBE, 19 April 1853.
16. MORNING CHRONICLE, 8 April 1853.
17. GLOBE, 19 April 1853.
18. MORNING CHRONICLE, 8 April 1853.
19. GLOBE, 19 April 1853.
20. MORNING CHRONICLE, 8 April 1853. GLOBE, 19 April 1853, quoted Mr. Dixon as saying that the reply was received "at last in the month of December."
21. GLOBE, 19 April 1853.
22. MORNING CHRONICLE, 8 April 1853.
23. GLOBE, 19 April 1853.
24. MORNING CHRONICLE, 8 April 1853.
25. GLOBE, 19 April 1853.
26. MORNING CHRONICLE, 8 April 1853.
27. GLOBE, 19 April 1853.
28. MORNING CHRONICLE, 8 April 1853.
29. GLOBE, 19 April 1853.
30. MORNING CHRONICLE, 8 April 1853.
31. GLOBE, 19 April 1853.
32. MORNING CHRONICLE, 8 April 1853.
33. GLOBE, 19 April 1853.
34. MORNING CHRONICLE, 8 April 1853.
35. GLOBE, 19 April 1853.
36. MORNING CHRONICLE, 8 April 1853.
37. GLOBE, 19 April 1853.

38. MORNING CHRONICLE, 8 April 1853.
39. GLOBE, 19 April 1853.
40. MORNING CHRONICLE, 8 April 1853.
41. GLOBE, 19 April 1853.
42. MORNING CHRONICLE, 8 April 1853.
43. GLOBE, 19 April 1853.
44. MORNING CHRONICLE, 8 April 1853.
45. GLOBE, 19 April 1853.
46. MORNING CHRONICLE, 8 April 1853.
47. GLOBE, 19 April 1853.
48. MORNING CHRONICLE, 8 April 1853.
49. GLOBE, 19 April 1853.
50. MORNING CHRONICLE, 8 April 1853.
51. GLOBE, 19 April 1853.
52. MORNING CHRONICLE, 8 April 1853.
53. GLOBE, 19 April 1853.
54. MORNING CHRONICLE, 8 April 1853. HAMILTON SPECTATOR DAILY, 16 April 1853, quoting the Toronto Patriot (of unknown date), reported that Mr. Dixon "spoke for about two hours," and went on to comment, "His speech is considerably mutilated by condensation, yet there is still sufficient left to show that the persecuted gentleman made an able defence of his character, and laid bare the infamous conduct of the Government."
55. GLOBE, 19 April 1853.
56. MORNING CHRONICLE, 8 April 1853.
57. GLOBE, 19 April 1853.
58. MORNING CHRONICLE, 8 April 1853.
59. GLOBE, 19 April 1853.
60. MORNING CHRONICLE, 8 April 1853.
61. IBID.
62. IBID.
63. GLOBE, 19 April 1853.
64. MORNING CHRONICLE, 8 April 1853.
65. GLOBE, 19 April 1853.
66. MORNING CHRONICLE, 8 April 1853.
67. GLOBE, 19 April 1853.
68. MORNING CHRONICLE, 8 April 1853.
69. GLOBE, 19 April 1853.
70. MORNING CHRONICLE, 8 April 1853.
71. GLOBE, 19 April 1853.
72. MORNING CHRONICLE, 8 April 1853.
73. GLOBE, 19 April 1853.
74. IBID.
75. IBID.
76. MORNING CHRONICLE, 8 April 1853.
77. GLOBE, 19 April 1853.
78. MORNING CHRONICLE, 8 April 1853.
79. IBID.
80. IBID.
81. GLOBE, 19 April 1853.
82. IBID.
83. MORNING CHRONICLE, 8 April 1853.
84. IBID.
85. GLOBE, 19 April 1853.
86. MORNING CHRONICLE, 8 April 1853.
87. GLOBE, 19 April 1853.

88. MORNING CHRONICLE, 8 April 1853.
89. GLOBE, 19 April 1853.
90. MORNING CHRONICLE, 8 April 1853.
91. IBID.
92. GLOBE, 19 April 1853.
93. MORNING CHRONICLE, 8 April 1853.
94. GLOBE, 19 April 1853.
95. MORNING CHRONICLE, 8 April 1853.
96. GLOBE, 19 April 1853.
97. MORNING CHRONICLE, 8 April 1853.
98. GLOBE, 19 April 1853.
99. IBID.
100. MORNING CHRONICLE, 8 April 1853.
101. GLOBE, 19 April 1853.
102. MORNING CHRONICLE, 8 April 1853. HAMILTON SPECTATOR DAILY, 14 April 1853,
gives the year as 1852.
103. GLOBE, 19 April 1853.
104. MORNING CHRONICLE, 8 April 1853.
105. GLOBE, 19 April 1853.
106. IBID.
107. IBID.
108. MORNING CHRONICLE, 8 April 1853.
109. GLOBE, 19 April 1853.
110. MORNING CHRONICLE, 8 April 1853.
111. IBID.
112. GLOBE, 19 April 1853.
113. MORNING CHRONICLE, 8 April 1853.
114. GLOBE, 19 April 1853.
115. MORNING CHRONICLE, 8 April 1853.
116. IBID.
117. IBID.
118. PILOT, 12 April 1853.
119. GLOBE, 19 April 1853.
120. MORNING CHRONICLE, 8 April 1853.
121. GLOBE, 19 April 1853.
122. MORNING CHRONICLE, 8 April 1853.
123. GLOBE, 19 April 1853.
124. MORNING CHRONICLE, 8 April 1853.
125. IBID.
126. GLOBE, 19 April 1853.
127. MORNING CHRONICLE, 8 April 1853.
128. IBID.
129. GLOBE, 19 April 1853.
130. MORNING CHRONICLE, 8 April 1853.
131. GLOBE, 19 April 1853.
132. IBID.
133. IBID.
134. MORNING CHRONICLE, 8 April 1853.
135. GLOBE, 19 April 1853.
136. IBID.
137. IBID.
138. MORNING CHRONICLE, 8 April 1853.
139. GLOBE, 19 April 1853.
140. MORNING CHRONICLE, 8 April 1853.
141. GLOBE, 19 April 1853.
142. MORNING CHRONICLE, 8 April 1853. The GLOBE, 19 April 1853, reporter
heard "a most vile partizan."

143. GLOBE, 19 April 1853.
144. MORNING CHRONICLE, 8 April 1853. HAMILTON SPECTATOR SEMI-WEEKLY, 16 April 1853, commented as follows: "As for Mr. Mackenzie, we hardly know what to say of the little maudlin political hypocrite....He declared that ... he (Mr. Dixon) was a very violent politician; and almost in the same breath attempted to justify his own conduct in 1837!....Mr. Mackenzie's speech if delivered by any other member, would have earned for its utterer the execration of the public. It is a libel on the intelligence of the House, but a fair specimen of the man."
145. GLOBE, 19 April 1853.
146. MORNING CHRONICLE, 8 April 1853. BRITISH COLONIST, 15 April 1853, has "he had no right to answer even then as he did."
147. GLOBE, 19 April 1853.
148. MORNING CHRONICLE, 8 April 1853.
149. GLOBE, 19 April 1853. HAMILTON SPECTATOR SEMI-WEEKLY, 16 April 1853, commented as follows: "Mr. Brown thought the names should have been furnished ... but after all he thought the Government had acted right in dismissing him. Mr. Brown is not wont to arrive at such illogical conclusions."
150. GLOBE, 19 April 1853.
151. IBID.
152. IBID.
153. IBID.
154. HAMILTON SPECTATOR SEMI-WEEKLY, 16 April 1853, commented on this division as follows: "Of the French members, THREE voted in the affirmative, and SIXTEEN with the Ministry! Thus justice to an Upper Canadian has been denied by a paltry majority of EIGHT, including the votes of SIXTEEN French Canadians! How long is such a state of things to be submitted to?-- Verily we are reaping the fruits of an unholy alliance with a race of people who are neither British in sentiment or feeling."
155. The exchange on this matter was reported by GLOBE, 19 April 1853. A commentary and a history of the agitation for the railroad appeared in HAMILTON SPECTATOR SEMI-WEEKLY, 13 April 1853.
156. GLOBE, 19 April 1853.
157. IBID.
158. MORNING CHRONICLE, 8 April 1853.
159. LA MINERVE, 7 April 1853, attributed the motion for recommitment to Mr. Drummond.
160. The following papers reported this Question and Answer in identical accounts: MORNING CHRONICLE, 8 April 1853, MONTREAL GAZETTE, 11 April 1853, PILOT, 12 April 1853, and BRITISH COLONIST, 15 April 1853.
161. MORNING CHRONICLE, 8 April 1853.
162. IBID.
163. The following papers reported this Question and Answer in identical accounts: MORNING CHRONICLE, 8 April 1853, MONTREAL GAZETTE, 11 April 1853, PILOT, 12 April 1853, and BRITISH COLONIST, 15 April 1853.
164. MORNING CHRONICLE, 8 April 1853.
165. IBID.

TUESDAY, 5 APRIL 1853.

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THE following Petitions were severally brought up, and laid on the table:--
By Mr. Fergusson,--The Petition of George J. Grange, of Guelph, Esquire.

By Mr. Morrison,--The Petition of the House of Convocation of the University of Toronto.

By the Honorable Mr. Merritt,--The Petition of Anne Macdonald and other Ladies.

By Mr. Chapais,--The Petition of the Reverend N.T. Hébert and others, School Commissioners of the Municipality of St. Louis, County of Kamouraska.

Mr. Street, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Prince Edward, reported to the House, That on the sixteenth day of March last past, a Summons was addressed to Joseph Shuter, Esquire, of the City of Montreal, by order of the Committee, directing him to be and appear before

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the said Committee on the thirtieth day of March last, to give evidence before the same, and that he should then and there produce the Mortgage or Obligation mentioned in the Affidavit accompanying this Report:

That on the thirtieth day of March last, a Summons was addressed to Henry Mulholland, Esquire, of the same place, by order of the Committee, directing him to be and appear before the said Committee on the fourth day of April instant, to give evidence before the same, and that he should then and there produce the Mortgage or Obligation also mentioned in the Affidavit accompanying this Report:

That the said Summonses were sent to the said Joseph Shuter and Henry Mulholland, in the manner described in the said Affidavits:

That both the said Joseph Shuter and Henry Mulholland have made default to appear before the Committee on the respective days above mentioned, and have severally disobeyed the Summons of the said Committee:

That in consequence thereof, the Petitioners were unable to proceed with the adduction of evidence on their behalf this day:

That the Committee therefore, in conformity with the 91st Section of "The Election Petitions Act of 1851," report the same to the House for the interposition of its authority in the premises.

MR. STREET,¹ as Chairman of the Prince Edward Election Committee, reported that Messrs. Sulter [sic] and Mullholland [sic] had disobeyed [a] subpoena of the Committee, and stated that he would on Wednesday, move that they be dealt with in accordance with English practice.²

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Ordered, That the Honorable Mr. Rolph have leave to bring in a Bill to enable certain Devises of Samuel Ryerse, late of the Township of Woodhouse, in the County of Norfolk, in Upper Canada, to convey a certain portion of their Estate in Fee Simple.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to incorporate the London and Port Sarnia Railway Company;" and the same were read, as follow:--

Page 6, line 6. Leave out from "authority" to "at" in line 7.

Page 6, line 8. After "Company" insert "or at any time after the completion of the said Railway with or without the consent of the said Directors of the London and Port Sarnia Railway Company."

Page 6, line 9. After "By-Laws" insert "of the said Great Western Railroad Company."

The said Amendments, being read a second time, were agreed to.

Ordered, That Sir Allan N. MacNab do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendments.

Ordered, That the Bill to amend the Act of Incorporation of the British North American Electric Telegraph Association, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Thursday next.

MR. MERRITT³ moved that the 64th and 74th Rules of the House be suspended, in so far as relates to the Petition of the Hon. J.S. Macdonald and others, for an Act to incorporate a Company to construct a branch of the Great Western Railway from Thorold to Port Dalhousie.⁴

Some conversation [followed]⁵.

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The Honorable Mr. Merritt moved, seconded by Mr. Fergusson, and the Question being put, That the 64th and 74th Rules of this House be suspended as regards a Bill to incorporate the Port Dalhousie and Thorold Railway Company; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Cameron, Cartier, Solicitor General Chauveau, Christie of GASPE, Attorney General Drummond, Fergusson, Fournier, Gamble, Gouin, Lacoste, LaTerrière, Laurin, Lyon, Mattice, Merritt, Morin, Poulin, Robinson, Rose, Sanborn, Shaw, Sicotte, Street, Terrill, White, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(29.)

NAYS.

Messieurs Brown, Chapais, Christie of WENTWORTH, Dumoulin, Jobin, Marchildon, and Morrison.--(7.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to incorporate the Port Dalhousie and Thorold Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 4th instant, praying His Excellency to cause to be laid before the House, copies of the last Annual Report, and of all Reports made during the present or last year, by the Inspectors of the Provincial Penitentiary, or either of them.

For the said Return, see Appendix (I.I.I.)

MR. ROBINSON⁶ moved the reference of the petition of Charles C. Small, of the city of Toronto, Esquire praying for the payment of certain arrears of Salary due him as Clerk of the Crown and Common Pleas for the Province of Upper Canada--to a Select Committee.⁷

This was opposed by MR. INSP. GEN. HINCKS on the ground that the claim

was totally unwarranted by facts⁸.

Some conversation [followed]⁹.

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The Honorable Mr. Robinson moved, seconded by Mr. Ridout, and the Question being put, That the Petition of Charles C. Small, of the City of Toronto, Esquire, praying for the payment of certain arrears of Salary due him as Clerk of the Crown and Common Pleas for the Province of Upper Canada, be referred to a Select Committee, composed of the Honorable Mr. Macdonald, Mr. Gamble, Mr. Langton, Mr. Ridout, and the Mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Burnham, Dixon, Gamble, Sir A.N. MacNab, Marchildon, Malloch, Ridout, Robinson, and Smith of FRONTENAC.--(9.)

NAYS.

Messieurs Brown, Cameron, Cartier, Chabot, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Attorney General Drummond, Dumoulin, Fergusson, Fournier, Gouin, Hincks, Lacoste, LaTerrière, Laurin, McDonald of CORNWALL, Mongenais, Morin, Patrick, Attorney General Richards, Rose, Sanborn, Shaw, Sicotte, Smith of DURHAM, Taché, Valois, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(33.)

So it passed in the Negative.

A Bill to amend an Act passed in the Session of the Provincial Parliament held in the fourth and fifth years of Her Majesty's Reign, intituled, "An Act to regulate the taking of Securities in all Offices in respect of which Security ought to be given, and for avoiding the grant of all such Offices in the event of such Security not being given within a time limited after the grant of such Office," and for other purposes, was, according to Order, read the third time.

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Resolved, That the Bill do pass.

Ordered, That Mr. Solicitor General Chauveau do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of MR. PRES. EX. COUN. CAMERON¹⁰,

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The House, according to Order, resolved itself into a Committee on the Bill to amend and consolidate the Laws relating to Emigrants and Quarantine; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Terrill reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Terrill reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

On motion of MR. INSP. GEN. HINCKS¹¹,

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The House, according to Order, resolved itself into a Committee on the Bill to amend the Law relating to the University of Toronto, by separating its functions as a University from those assigned to it as a College, and by making better provision for the management of the Endowments thereof, and that of Upper Canada College,¹²

MR. DIXON ... [took] the chair.¹³

MR. INSP. GEN. HINCKS proposed to expunge all of the 53rd clause relating to the surplus revenue, and to insert an amendment to the effect that the surplus fund should be left in the hands of the Government, to be disposed of as Parliament should see fit for educational purposes. By this, he said, the amendment proposed by the hon. member for Toronto would be rendered unnecessary.¹⁴

MR. BROWN said: It is of no use, Mr. Chairman, my offering any objection to the Government scheme, but I call the attention of hon. gentlemen who have heretofore professed attachment to the non-Sectarian system of education, to the hollow device resorted to by the Inspector General to appease the skin-deep scruples of some of his followers.¹⁵ The object of that clause was to endow sectarian colleges. Striking it out was a mere dodge to get over the difficulty.¹⁶ He erases the direct grant of the surplus revenue to the Sectarian Colleges, but he conveys the money to Government to be distributed by vote of Parliament--the mind of Parliament on Sectarian grants being perfectly understood. Let not hon. gentlemen say hereafter that when they voted for this bill they did not give the surplus fund to Sectarian purposes--it is just as well known now how the money will go, and the course to be taken in regard to it is just as fully determined and understood, as if the whole particulars were put in the bill before us. The end will be that the Sectarian institutions will have every farthing of it. In fact, that is the grand object of the bill. The Inspector General's followers are pledged to vote against the money grants annually given to Regiopolis, Queen's and Victoria: the Inspector General dare not cut off these grants--and to meet the difficulty he demolishes the National University. This is the whole sum and substance of the movement--and those Reformers who aid him in it, yield up all that the Reform party have contended for in years past, and establish that which they rejected with scorn from the hands of the Tories. The Inspector General does not deny that these are his intentions. This bill originally proceeded on the ground that the "Godless" character of the Institution must be remedied, and by the 53rd clause a remedy was provided in the distribution of the endowment to the Roman Catholic, Methodist, and Presbyterian Colleges; by pressure from without he has stricken out this clause, but has he altered his intentions? Has he retracted his plea that the University is "Godless," and that a division of the funds to the sects would remedy it? Does he not hold precisely the same sentiments and precisely the same intentions now as he did a fortnight ago when he explained his measure? He takes half of his measure now--the demolition of the University; and the moment that is effected, through the treason of the Liberals of Upper Canada, he will demand the other half of it,--the division of the plunder. And he will get it--if he can but save appearances and give them a plausible excuse for falsifying every principle they have professed, his subservient majority will do anything he bids them. The 55th clause, whether as it now stands or as the hon. gentleman professes to amend it, is simply a proposal to devote from twelve to sixteen thousand pounds a year for the encouragement of sectarian education. Oh, says some hon. member, that does not follow--it may be given to other non-sectarian institutions through out the country similar to that at Toronto. Why not put that in the bill, then? Why not appropriate the surplus fund to the creation of such institutions? Just because there is no such intention. If there was any sincerity in those who set up such a flimsy defence, they would insist on the insertion of such a clause ere giving a vote for the bill--they would know what was to be done with the ruins ere they demolished the structure.¹⁷

MR. INSP. GEN. HINCKS said that the member for Kent was so much alarmed

because there are a few sectarian educational institutions existing in Upper Canada, and he was so much afraid that the effect of this bill would be to encourage those institutions, that he forgets what is the real state of the case, and that this bill is the very best means of establishing colleges which would not be in the interest of any sect. The tendency of this bill, he said, will be to check these sectarian institutions more than any measure that could be devised by holding out the encouragement to them, that they may obtain a portion of this fund, and it had already had the effect in the city of Hamilton. I deny, he said, that this bill, as at first drawn up, was intended to encourage sectarian colleges. I will not in any way go to support colleges of that description. The hon. member for Kent appears more than any other member to mistrust the feelings of Parliament, and he would like to fetter the country in the disposal of their funds, instead of leaving them to this House. For my part, I am not afraid of any action that may be taken by Parliament on this bill. I have no doubt that Parliament in its wisdom will do what is most calculated for the benefit of the people at large. The hon. gentleman says that this bill has been introduced at my instigation. The other night we were told it was at the Commissioner of Crown Lands' instigation--and we have also been told that it was French Canadian dictation from which the bill emanated.¹⁸

MR. BROWN said the Hon. Inspector General had made a straw-man for himself, and then knocked it down. No one said that the Commissioner of Crown Lands instigated this bill--the member for Kingston said that the member for Norfolk instigated the destruction of the Medical School to wreak his vengeance on his brother doctors. No one said that the French Canadians instigated this bill; but what might have been said was, that they would not abolish sectarian grants to Lower Canada; and as the Inspector General could not maintain them in Lower Canada and abolish them in Upper Canada--the device of this bill was resorted to, to place out of the way in a permanent shape what had been an ever recurring source of trouble to him. It was amusing to hear the Inspector General declare, with such a lofty assumption of patriotism, that he was not afraid to trust the representatives of the people with the disposal of the surplus endowment. No thanks to him for the concession--with a House which does precisely what he bids them!¹⁹

Hear, hear, from MR. AT. GEN. RICHARDS.²⁰

MR. BROWN [replied:] The hon. Attorney General cries hear, hear, as if he rejected the statement--but he knows the fact well, and that there is not a man in the House more obedient to the bidding of the Inspector General than he is himself. (Hear, hear.) If the Inspector General had taken the other side of this University question, his followers would have been just as numerous on this side of the House, whatever they would have been on the other--and the eloquence of his supporters in favour of non-sectarian education, and maintaining the national institution inviolate, would have been just as thrilling as it has been for the frittering system. The hon. gentleman says his bill has already had the effect of starting a non-sectarian College. But where is it started? At Hamilton, only 43 miles from Toronto. Instead of carefully selecting the spots best suited for the erection of such institutions, those that come first will be first served--and there will be so many competitors that the money when divided will not support respectable grammar schools. The hon. gentleman accuses me of lack of faith in this House, and he is perfectly correct in his ideas upon that subject, so far as the appropriation of money for sectarian purposes is concerned. If I stood in the majority, like the hon. gentleman, I might have his faith, but being in the minority I cannot say I would desire to trust much to this hon. House in that way. (Laughter.)²¹

MR. MACKENZIE made some remarks on this clause which were not audible to the reporter, after which he was understood to say in answer to an interrogatory put to him in the Quebec Gazette, that he was in favor of respecting private property held by religious bodies. But he was opposed to voting any public money for any religious body. He paid a high eulogium to the Roman Catholic Clergy of Lower Canada.²²

Some farther conversation followed in which opinions were expressed against giving public money to sectarian colleges.²³

The clause was then amended as proposed by the Inspector General.²⁴

MR. INSP. GEN. HINCKS moved in addition to the 64th clause, to the effect that the professors should receive as compensation an amount not exceeding one year's salary, and that they should vacate the professorships in July next.²⁵

MR. BROWN asked if the Inspector General meant to break up the medical school in July next?²⁶

MR. INSP. GEN. HINCKS.--Yes.²⁷

MR. RIDOUT did not think that it would be fair to dismiss the professors with only one year's salary. He thought that those who had been longest in the institution should receive the largest compensation, and he had intended to move a resolution to that effect, but he should not do so, as the Government had come down with a resolution themselves.²⁸

MR. STREET had understood that the medical school was to continue till the first of January, 1854.²⁹

MR. BROWN asked if the short notice given would not have the effect of interfering with the studies of the students now at the University.³⁰

MR. INSP. GEN. HINCKS did not think that any danger of that kind need be apprehended, nor did he think that this bill would have the effect of breaking up the medical school, as he was of opinion that the present professors would continue a school on their own account.³¹

MR. STREET did not understand why the professors should not receive their salaries up to the 1st of January, 1854, and then receive one year's full salary, instead of being put out in July.³²

MR. INSP. GEN. HINCKS thought that the Government were dealing very liberally with the professors. The effect of the proposition would be to give the professors 18 months, additional salary.³³

MR. STREET said that the professors were by the nature of their engagement entitled to their full salary up to January 1854, and if the Government were really going to act as generously as they said, they should continue their salaries till the year 1854, and then give one year's salary. The Government in fact only proposed to give 6 months gratuity.³⁴

The motion was then put and carried.³⁵

MR. INSP. GEN. HINCKS then moved to fill up the blank with the 1st of July 1854 [sic].³⁶

MR. STREET moved in amendment that the blank be filled up with the 1st January 1854, which would have the effect of giving an additional amount of compensation to the professors.³⁷

Motion lost, only MESSRS. STREET, and RIDOUT, voting in favour of it.³⁸

The original motion was then carried.³⁹

The remaining clauses of the bill were then passed through committee.⁴⁰

The motion for the adoption of the preamble [was made]⁴¹.

MR. BROWN thought that the Inspector General should really consent to alter the preamble--for there was not a word of truth in it. It was a tissue of misrepresentation. The hon. gentleman might at least have recorded the views of himself and the hon. member for Huron in a delicate way, in the preamble. (Laughter.)⁴²

Motion carried, and the Committee then rose and reported.⁴³

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Dixon reported, That the Committee had gone through the Bill, and made amendments thereunto.

MESSRS. BROWN and MACKENZIE objected to receiving the report till the amendment had been printed. Many members in the House did not know what they were going to vote for.⁴⁴

They were however, overruled⁴⁵.

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Ordered, That the Report be now received.

Mr. Dixon reported the Bill accordingly; and the amendments were read.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Rolph and the Question being put, That the amendments be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Cameron, Cartier, Clapham, Crawford, Dixon, Attorney General Drummond, Dumoulin, Fournier, Gamble, Hincks, Jobin, Langton, LaTerrière, Laurin, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Mattice, McDougall, Merritt, Mongenais, Morin, Morrison, Murney, Polette, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Sicotte, Smith of FRONTENAC, Stevenson, Street, Terrill, Tessier, Valois, Varin, White, Willson, and Young.--(48.)

NAYS.

Messieurs Brown and Mackenzie.--(2.)

So it was resolved in the Affirmative.

And the amendments were read a second time, and agreed to.

Ordered, That the Bill be read the third time on Tuesday next.

The House, according to Order, again resolved itself into a Committee to consider certain Resolutions on the subject of certain Amendments to the Tariff of Customs and Excise Duties;⁴⁶

MR. INSP. GEN. HINCKS, having possessed himself of the necessary information in relation to the subject of the Resolutions partially gone into on the preceding Friday, wished to submit them to the House. The list of articles on which a duty of 2½ per cent. was proposed to be charged, might not be very completely set out, but if any hon. member would make any suggestion as to introducing any other articles in that list, he would be happy to receive them. He believed a great deal of anxiety was felt that what was done should be done as speedily as possible.⁴⁷ [He] stated that the hon. member for Montreal intended, as he understood, to propose some amendments, which he had desired to have printed. He did not think it necessary to wait for that. Part of these amendments related to a totally different subject--the Champlain Canal, and with respect to others, he Mr. Hincks agreed in the principle of admitting all

raw materials at a very low rate; but whether these should be absolutely free or not, could be as well discussed at once as after delay. The hon. member then alluded to the abstract of the Provincial accounts, and explained that the balance which appeared by that account to be on hand, was not really at disposal; being chargeable with certain votes and arrears. Therefore though the finances were in a flourishing condition⁴⁸ and the Government felt themselves perfectly warranted in coming forward and proposing a considerable reduction in the shape of duties, and which he had explained the other evening,⁴⁹ yet considering a large amount of the debt was falling due and had to be met,⁵⁰ he did not suppose that any hon. member would think that the Government would be justified in proposing on that occasion, a still larger reduction. (The hon. gentleman then alluded to some considerable items in receipts and payments in relation to the revenue.)⁵¹ The total available amount, as we understood, at the credit of the consolidated fund was £173,000.⁵² The question then was, had the Government chosen those articles that were right?⁵³ Not being prepared to make farther reductions, if he were ready to do so, he would⁵⁴ not acquiesce in, and was not prepared to make, the reductions proposed by the hon. member for Montreal, but he was to take another shilling a pound off sugar, and to make a further reduction in tea and other articles, instead of dealing with the almost nominal duty placed upon articles, which he did not believe, affected injuriously the interests of the country. He very well knew that the hon. member for Montreal would dilate upon the injury done to the colony by the United States in levying the $2\frac{1}{2}$ per cent. duty on articles which he would hold, if admitted free, would be very likely to come by the St. Lawrence route. In order to favour the traffic upon that river, Government were desirous of redeeming those articles from paying toll upon two canals, in paying toll only on one, and that had been the great reason for putting on the $2\frac{1}{2}$ per cent.⁵⁵ For instance railroad iron, though at $2\frac{1}{2}$ per cent. could be bonded, and save the duty. These articles would have a greater advantage given them in the reduction of tolls, than in the reduction of duty, which last step would only put money into the pockets of the contractors who were importing large quantities of this article.⁵⁶ Railroad iron paid a very considerable duty, and it should not be relieved altogether, when it was so absolutely necessary to raise a revenue by taxing certain articles. He hoped hon. members would see the necessity of proceeding with the measure without delay.⁵⁷

MR. YOUNG expressed his desire to have his resolutions put into print and read them.⁵⁸

MR. RIDOUT was obliged to the hon. member for Montreal (Mr. Young) for favouring him with resolutions, some of which he should certainly give his most cordial approbation to.⁵⁹ [He] desired to have the resolutions printed ... but did not think the debate need be put off on that account.⁶⁰ This was one of those questions which the country desired to have an expression of opinion upon as soon as possible. The hon. gentleman who had moved these resolutions had frankly stated, that the introduction of that measure by the Government was a change of that policy, which previous to that session, they had held, and he did not suppose that there ever was an instance of a Government changing its policy in so marked a manner, and so short a time. But at the same time he felt that it was far better for a Government to alter its policy and to adopt a different one, than persevere in that which was not productive of good to the country. As far as he knew, these resolutions would meet with the approbation of the people of Upper Canada, but the previous ones would not. He would, therefore, recommend the resolutions introduced by the hon. Inspector General on the part of the Government. The first related to the excise duties. As far as Toronto was concerned, that city had petitioned

the Government to adopt that very platform then proposed, therefore he approved of that part of the resolution, and also that making provision for the different officers of the excise, who would, after that, be deprived of their situations, should they be released from their duties. With regard to the introduction of those articles stated at $2\frac{1}{2}$ per cent. duty free, if the Government felt disposed to adopt that course⁶¹ for the encouragement of manufactures⁶², he would have no objection to it. Railroad iron ought to be admitted free, whether it comes in for use in the country; or is transported through it to the United States. As far as reciprocity went, he did not wish to disturb any existing state of things. Altogether the principle upon which the hon. Inspector General had proceeded, was, in his opinion, a plain and proper one, calculated to promote good. He approved of his propositions in regard to tolls, it would increase traffic. As to reduction of duty upon sugar, he agreed.⁶³ On the sugar duties, he read the remarks made by the Board of Trade Convention in the fall, and said that the resolution in favour of differential duties was not concurred in in Upper Canada. He was not in favour of abandoning the differential duties; but⁶⁴ he gave up all idea of this country ever receiving proper protection from the mother country, and he therefore thought it better to adopt a Canadian policy; they should levy their duties and regulate them in a way best calculated to promote the contentment of their own people and the prosperity of their own colony, without reference, as formerly, to the wishes and interests of the mother country. He felt regret at being obliged to say that he had arrived at that conclusion, for he was one of those who always would have followed her, but the mother country had withdrawn from them that protection she once bestowed. She had been otherwise liberal, but she certainly had shown them, in fact, that they must look to themselves and their own resources in future.⁶⁵ He then read the remainder of the recommendations of the convention, with running comments upon them in favour of an attempt to secure the trade with the Spanish West Indies, and against moving farther at present on the question of reciprocity.⁶⁶ He did not see why imported raw materials, including coal, pig-iron, &c., should not be admitted duty free. (Hear, hear.) He would desire "salt" to be admitted free; it was in general use, used extensively for agricultural purposes; not manufactured amongst themselves, and was an article of large bulk and consequently would add very materially to the tolls. Now, he thought it very desirable to obtain reciprocity with the other British Colonies, more especially the West India Islands, Newfoundland, and so on. He also felt that as regarded the great trade going on between the United States, Cuba, and Porto Rico (upon which the hon. member for Montreal had kindly given him valuable statistical information) that a great deal of that trade might be carried on between this country and those possessions, and he would be pleased if the hon. member for Montreal, would favor the committee with his views upon that particular subject. It would doubtless be advantageous to the country if there was that reciprocity in the coasting trade between the two countries, but until that question had been more thoroughly digested between the Imperial Government, and the United States Government, it would not be wise for them to express any opinion as to the River St. Lawrence. As to the duty on spirits, it was recommended that an ad valorem duty of 50 per cent. on the cost should be put upon wines of all kinds. It would not in his opinion be right to put one specific duty on wines,--50 per cent duty, he thought, was proposed, in consequence of the desire manifested by so large a portion of their fellow citizens with regard to the passing of the Maine Liquor Law.⁶⁷ He ... preferred the recommendation of the Convention that there should be an ad valorem duty, though he thought the amount they named ... was too high. He approved of the plan devised for the relief of the shipping interest; but thought the term chain cables should be explained⁶⁸. As to cordage of all sorts,⁶⁹ [he] doubted whether ... [it] should not be more

highly taxed inasmuch as⁷⁰ it was an article they were beginning to manufacture themselves in Upper Canada--the manufacture of rope was fast increasing there. The increased duties on liquor he understood from the hon. Inspector General to be £70,000. It had generally followed that a reduction of duty had increased the consumption of the commodity and if that was the case, there would not be that reduction in point of revenue which the hon. Inspector General had told them.⁷¹ He approved then of what was to be done; but was disappointed at the small extent to which reduction was to be carried; believing increase of consumption would more than make up the falling off. Nor was this closeness necessary, as⁷² he made the excess for 1852, from the 1st of January, amount to something over £200,000. Then the account which followed that brought it up to 31st January which showed an excess of £229,000⁷³ [OR] £290,000⁷⁴ less some of those items which the hon. Inspector General stated had been paid subsequent to those accounts being made up. If he was right in the excess being £200,000, then he thought the Government could have extended their reduction of duty; there ought to be a reduction generally on⁷⁵ the great mass of goods, which now paid 12½ per cent, and were raised for a special purpose⁷⁶; they ought to be reduced to 10.⁷⁷ The lower your duties the more satisfactory for your own business, and the more probable was it that you would be able to sell to your neighbours.⁷⁸ He attached a great deal more importance to the advantage of reciprocal trade with the United States than did the hon. member for Montreal. How had this country placed itself in a humiliating condition with reference to that trade?⁷⁹ He did not think the efforts made to secure the trade of the United States were at all humiliating⁸⁰. It was of great consideration, more particularly to the western part of the country. Finally, he was disposed to meet the views of the Government with regard to these Resolutions, but they did not go so far as he thought the revenue of the country justified the Government in going. Until that reciprocity measure was brought about he would advise, that the same amount of duty should be placed upon American goods coming into Canada, as were put upon Canadian goods going into the States.⁸¹ He thought ... that if it were the interest of this country, she had the perfect right, without giving any offence, to levy the same duties on American goods, as the Americans levied on Canadian goods; and was glad the hon. member for Lincoln seemed to have given up the idea of giving up Customs duties, and trusting wholly to the tolls on the Canals.⁸²

MR. MERRITT said the interest taken in the commercial policy of the country was shown by⁸³ the empty state of the benches when members knew that such a great question as this was to come up for consideration. How many were there to listen to the discussion?⁸⁴ The resolutions were an advance in the right direction; but it did not touch the real commercial policy of the country. This policy, however, was not understood by the hon. member opposite.⁸⁵ He then went on to say that he had never been in favour of repealing the Customs' duties altogether at once, it should be done by degrees. There was, he said, but one true principle of trade, and that was reciprocity, and hon. gentlemen would learn that before long.⁸⁶ He proposed to take duties off English productions, on their doing the same with ours, and to put 20 per cent on American goods because they did the same with ours.⁸⁷ The hon. Inspector General and himself had never agreed in many points respecting the commercial policy of the country⁸⁸. He was glad, however, that the hon. gentleman had come round⁸⁹ to his views⁹⁰ enough now to be in favour of reciprocity⁹¹ with the United States. He, Mr. Merritt, differed also very much from the hon. member for Montreal, (Mr. Young). (Cheers and laughter.) He (Mr. Merritt) advocated measures for the interest of Canada, and he would leave annexation to itself. (Laughter.) He would state for the information of the hon. member who had just sat down (Mr. Ridout) the policy that he had always advocated. In 1846, he had intro-

duced four short resolutions which embodied the whole of the commercial policy that he would adopt, and he had not made the slightest deviation from what he then said ought to be the commercial policy of Canada. He then read the resolutions to which he had referred from the Mirror of Parliament of 1846. From them he had never deviated,⁹² from that time to this⁹³, and he would defy any hon. member to show that he had done so. A great deal had been said about Reciprocity and that the Government of this country had been going to Washington on a begging policy, and he then went on to review at some length the whole history of the⁹⁴ reciprocity negotiation, in which he had been engaged, showing that it was impossible to expect to obtain reciprocity until Great Britain put her hand upon the fisheries, and maintained colonial rights.⁹⁵ She can obtain reciprocity for us by one turn of her hand, by imposing the same duties on all goods imported from America as well as from any other part of the world. Great Britain is bound to place us on the same footing as⁹⁶ the United States⁹⁷; we have a right to ask it, and she has a right in consonance with her policy to grant it to us.⁹⁸ At present the produce of the United States and of Canada both went alike free into England⁹⁹. What have the United States done for us? They have put 20 per cent. on all our productions, and on that point the hon. member for Montreal and the hon. member for Kent were much mistaken. He had told them over and over again the fallacy of their arguments. We must take into consideration the geographical position of the country, when we see that the price of wheat on one side of the Niagara river is three shillings, and on the other side four shillings, it must be evident that the former pays this duty. That difference in the price has occurred every year, except during the time of the famine since the year 1846. They might send wheat to New York, but if it happened to be a little damaged they could not ship it to Liverpool although it might do very well for immediate consumption, and so they would be compelled to sell it in the United States and pay the duty. He would defy the hon. member for Montreal or any one else to show the contrary.¹⁰⁰ When he saw a difference of 1s. a bushel between the two sides of the Niagara River, there must be something wrong.¹⁰¹

MR. YOUNG replied that the hon. member for Lincoln said that wheat on the side of the Niagara river sells at three shillings and on the other at four shillings. He should like to ask him what restriction there is on the Northern side of the Niagara river against sending wheat to New York; can it not be sent in bond, and will not its price be governed by New York rates? If he were to look into any prices current, he would find American wheat and Canadian wheat quoted at the same rate. He could not understand how the hon. member could make such statements which were contrary to fact, and he would defy any man to show that they were not. American flour does not pay any duty in New York, it is there regulated by the price in Liverpool. The fact is that the flour for consumption in New York is exactly the same as that sold for export, and American and Canadian flour rank the same, quality for quality, and there is no duty paid in New York on Canadian flour for home consumption. It is perfectly impossible that it should. We have now the power of sending these articles in bond, which we had not a few years ago. Whether for consumption or not the price of flour in New York is the same.¹⁰² How was it possible, then, that there should be the difference of 1s. a bushel? Was not that a margin that would cause immediate speculation? The only difference in value could be the trifling cost of bonding.¹⁰³

MR. MERRITT said that the hon. member had not answered his question at all.¹⁰⁴

Some further conversation then took place on this point between him [MR. MERRITT] and the hon. member for Montreal [MR. YOUNG].¹⁰⁵

MR. MERRITT asked how it would be if the flour got stained--not damaged.

Was there not a loss of 75 cents on that.¹⁰⁶

MR. YOUNG said of course there was a loss if the flour were stained. It was the same in New York or Montreal.¹⁰⁷

MR. MERRITT.--Well, that flour if it could be ground for consumption in the United States would fetch as much as American flour. So it was with cattle.¹⁰⁸ He then went on to say that the commercial policy of Great Britain and the United States had been combined against Canada, and that it was the duty of this Government to point out the remedy. He thought that we should obtain reciprocity some time or other, but that it would be through¹⁰⁹ the assent of the American government. He preferred to get it another way, by Great Britain putting us on the same footing as the United States.¹¹⁰ Hon. members say that we are stultifying ourselves in asking for it, but why do we stultify ourselves? Are we not a part of the nation? Is there an adverse policy between us and the mother country? If there is we should know it; but he (Mr. Merritt) did not think that there was any such policy. He thought that the statesmen of England did not know what was the true policy of this country.¹¹¹ He ... held, therefore, that Great Britain would, if asked, lay upon the United States the same duties they imposed on Canada. He here alluded to something said by the Inspector General on a former occasion to prove that duties were not higher in Canada than the United States. That was not the case of course, and he (Mr. Merritt) never said so; but what he said was that upon the whole the Canadian consumer paid more money for the articles he required than was paid by the American.¹¹² If we were to put the necessary duties on the importations from the United States, we should soon obtain reciprocity. The Americans would very soon open their eyes if the right course were adopted. It would be for the benefit of Canada if all the duties at the port of Quebec was [sic] repealed. What is the amount of this duty altogether?--it is only £12,000.¹¹³ The tariff of the United States was founded on the principle of not imposing duties on such articles as tea and coffee and sugar, and protecting their manufactures. That was a wise policy.¹¹⁴ He had never advocated the entire abolition of the customs' duties at once, he would do so gradually till we pay off our debt, and then he would remove them altogether. He would then be for their entire abolition, and he hoped he might see the day when we had not a customs' officer in the land.¹¹⁵ We should look forward to that day when we derived our revenue from tolls not from custom's [sic] duties. These resolutions were a step in the right direction, and he wished the House thoroughly to understand them.¹¹⁶ He wanted now to go back to our 2½ per cent. duties. He was certain that the St. Lawrence was the cheapest route to the ocean and if we were to adopt a sound commercial policy we should draw away the trade of the south of Lake Erie into our waters. He knew that it had been said that it is impossible for us to get the carrying trade outward from Great Britain, and the fact is that our exports are all heavy, cheap articles, while our imports are light and valuable goods. There must, therefore, be more ships to go home than to come out, but we never built our canals for Canada alone and, when we adopt the policy that we should be governed by, we shall have all this trade, and the trade of the west, returned to us, and the moment we get the outward freights we shall get the inward freights also. We are now met by the high ocean freights which drives the whole trade back again. The proposed reduction is a move in the right direction, but by making Quebec a free port we should have all the heavy freights, and we would then take them up at a cheaper rate to Chicago than they can go by the Erie Canal. This is a reason why we should reduce the duties on heavy articles.¹¹⁷

MR. CAUCHON asked [for] some explanations with respect to the revenues to be given to the municipalities of Upper Canada.¹¹⁸

MR. INSP. GEN. HINCKS stated that the same revenues as those given to the municipalities in Upper Canada, would be applied to the compensation of Seigniors, under the bill now before the House.¹¹⁹

MR. CAUCHON went on to express his general satisfaction with the resolutions, but he would move an amendment to have printing presses, types, and other printing materials admitted free. He would take this step because books were now admitted free, and he did not see why an exception should be made against newspapers. If a duty were levied upon books he should not move his proposed amendment.¹²⁰

MR. MARCHILDON expressed his opinions generally against the resolutions.¹²¹

MR. DUBORD spoke in a low voice at the table and was nearly inaudible, but he was understood to express satisfaction with the reduction [on] shipping materials, and to ask for ... a farther extension of the same principle.¹²²

DR. FORTIER sustained the resolutions, and did not think the arguments which had been urged against them were valid.¹²³

MR. BROWN thought they were discussing too much in the dark.¹²⁴ The House was still without the information necessary to proceed with this question. A mere abstract of the receipts and payment of 1852 had been laid before them, but they had no estimates for 1853, no statement of the finances at the present moment, or of the probabilities for the future. How could they judge then what reductions could be made in the customs' revenue? The Inspector General says that the balance remaining over at the close of 1853 will be hardly enough to meet the debt coming due--but is his simple statement enough? Must we not judge of this as well as the Inspector General?¹²⁵

MR. INSP. GEN. HINCKS said if there was any surplus he meant to apply it in paying Provincial Debentures falling due in 1852 and 1853.¹²⁶

MR. BROWN.--The Hon. gentleman says he means to pay on debentures--but it is for us to say if they are to be paid off now by taxes levied on the people, or to be partly met by a new loan. And we cannot judge of this until a full statement of the finances is before us. (Hear, hear.) We do not even know the exact sums of the debentures falling due, where they are payable, or how soon they must be met.¹²⁷

MR. INSP. GEN. HINCKS did not know how it was possible to explain in a manner more clear than he had done what they proposed to do. There were debentures coming due to the amount of £300,000 and it was most expedient that they should be able to pay off these debentures as they become due.¹²⁸ He did not say that it might not be desirable to raise a new loan to pay off these debts, but it was well to have money in hand to do so. He did not see the use of this opposition. It only caused a loss of time.¹²⁹ The hon. gentleman would take the responsibility of retarding the public business.¹³⁰

MR. BROWN.--The question of expediency is one for this House to judge of, as well as the hon. gentleman--it was his duty to submit that question to us--and to show the precise manner in which the operation is to be effected. How can the hon. gentleman expect this House to give him unlimited control over the public funds?--to rest satisfied with the simple statement that he means to do this or that, and that all the reductions possible are as he allows? And how can this House submit to occupy such a humiliating position?¹³¹

MR. RIDOUT said, he certainly thought the statements asked for by the hon. member for Kent should be laid before the House.¹³²

MR. BROWN still held that they should have more specific information;

which unless the hon. Inspector General gave he (Mr. B.) would move an amendment.¹³³

DR. FORTIER said amendments were loss of time.¹³⁴

MR. BROWN said ... he would move that the Committee rise¹³⁵.

MR. INSP. GEN. HINCKS.--Move away!¹³⁶

MR. BROWN went on to condemn the conduct of the Inspector General in this matter.¹³⁷ They were not deserving of the reproach of the Inspector General, because they desired delay to consider and obtain information on the budget of the country which was only laid before them the other night. The truth was that the way in which the Inspector General brought his budget down was a disgrace to him as finance minister. He had given no information which was not wrung out of him piece meal.¹³⁸ He had charged hon. members with endeavouring to retard the progress of this measure--but the Inspector General himself was the only party to blame. It was only on Friday last that he for the first time announced to this House that he had abandoned the absurd policy which he announced last fall with such a flourish of trumpets. He declared in November last that if the Reciprocity Bill did not pass before Congress rose in February--he would put into operation the retaliatory measures against the Americans, which he then detailed. Congress has risen, but has not passed the Reciprocity Bill--merchants have had to buy their goods with nothing to guide them but the hon. gentleman's declaration--the whole mercantile interest has been on the tip-toe of expectation--and yet not one word of warning came from the hon. gentleman that he has jumped about once more--that his retaliatory measure is abandoned--and that the reduction of duties is now the tone--until Friday night! (Hear, hear.) And when by the rapid advance of the season, he is forced to declare his policy, as Minister of Finance, he comes down without the accounts of last year, without any exhibition of the present state of the Exchequer, without any estimate for the future, and asks to vote on his proposition to say that the reductions he has fixed and these only can be made. (Hear, hear.) And when we humbly beg of him for information before going to the vote, he says "you need no more--I will give you no more--I intend paying off £300,000 of public debt!"¹³⁹ Mr. Brown rejoiced that it was for the House, and not for Mr. Hincks to determine what debts were to be paid off, and what reductions were to be made, and they were in no position to do so until the statements he sought were brought down.¹⁴⁰ Sir, I do say that it will be highly discreditable to this House if we are forced to vote on the hon. gentleman's proposition under circumstances so humiliating. For my part, I hesitate not to say, that the management of the public finances has been¹⁴¹ unstatesmanlike¹⁴², loose and wasteful in the extreme--that Government has held large balances at its disposal to serve its own political ends--and that the state of the revenue would not only justify, but demands much greater reductions than proposed by the hon. gentleman. I will therefore move ... that the Committee rise, report progress and ask leave to sit again when the financial statements are laid before us.¹⁴³

[Motion] seconded by MR. YOUNG¹⁴⁴.

MR. MACKENZIE contended in favor of admitting sugar, and tea, and coffee free, as was the case in the United States. The effect of admitting these articles free would be to cause emigrants to settle here. Poor people would go where they could buy these articles cheap, and finding them cheaper in the United States than here, they would go there. With respect to duties on printing materials, these should be taken off. We let a Yankee printed book come in duty free; a book not only printed but bound in the States. But if Canadian mechanics proposed to get up the same book, they must pay twelve and a half per cent on the press, and twelve and a half per cent on the paper, and

twelve and a half per cent on the types. Was that fair? Was that the way to encourage Canadian mechanics? Or enterprise in getting up books in Canada?¹⁴⁵

MR. PROV. SEC. MORIN said no information would satisfy some hon. members.¹⁴⁶ Hon. gentlemen were never satisfied whether there was money or no money. He thought all the information necessary was before the House.¹⁴⁷

MR. CAUCHON did not think that any more information was wanted to enable the House to go on with the resolutions. It could make no difference as to the merit of the propositions of the Inspector General what the public debt might be. The discussion had been fixed for that day to meet the wishes of the House.¹⁴⁸

MR. BROWN said that that was not the case; for, on Friday, the Inspector General promised to lay an abstract of the accounts for 1852 before the House; and if then demanded, he said he would consent to a further adjournment.¹⁴⁹

MR. RIDOUT requested the hon. member for Kent to withdraw his motion.¹⁵⁰

MR. J.A. MACDONALD.--Withdraw, withdraw!¹⁵¹

MR. BROWN said he would not withdraw his motion.¹⁵² It was unnecessary [sic] for him to have the information he asked for; and he would convince the House that it was so.¹⁵³ He was astonished to see hon. gentleman so anxious to play into the hands of the Inspector General. The House had almost ceased to exert any check over the proceedings of Government. The most unreasonable proposals were acceded to without question--and the public funds voted without evidence or inquiry. Mr. Chairman, continued the hon. gentleman, I do wonder at the manner in which the hon. Inspector General is allowed to proceed. I hold in my hand a statement of the cash balances at the disposal of Government during the last three years, and I think when I read it, hon. gentlemen will not insist on my withdrawing my motion.¹⁵⁴ He found there had been enormous balances of public money in different banking institutions at the credit of the Province, for a long time.¹⁵⁵ I find that the cash in the public chest, was--

| | | | | | |
|--------------------|---|---|---|---|------------------------|
| On 1st July, 1850, | . | . | . | . | £432,501 |
| " Oct. " | . | . | . | . | 440,790 |
| " Jan. 1851, | . | . | . | . | 520,631 |
| " April, " | . | . | . | . | 310,797 |
| " July, " | . | . | . | . | 497,896 |
| " Oct. " | . | . | . | . | 343,552 |
| " Jan. 1852, | . | . | . | . | 487,055 |
| " April, " | . | . | . | . | 566,952 |
| " July, " | . | . | . | . | 752,949 |
| " Oct. " | . | . | . | . | 644,662 |
| " Jan. 1853, | . | . | . | . | 751,009 |
| " April, " | . | . | . | . | 398,610 ¹⁵⁶ |

The Committee will see that the Inspector General ... had an average floating surplus in his hands for the last three years of no less a sum than £500,000! (hear, hear)¹⁵⁷. By the keeping of these enormous balances on hand the Province lost £30,000 a year for the interest. Yet the Inspector General coolly came down, and asked them to go on without information.¹⁵⁸ From two hundred and fifty to three hundred thousand dollars have thus been [s]quandered--lost--since 1850--with one sole object in view, to bring influence to the Government and enable the Inspector General to work out his own political ends. Is this a state of things to be continued? Are we to go on for [an]other three years with constantly increasing balances at the disposal of the hon. gentleman? Is he to be allowed to have the unchecked control of such large sums, to move about from one bank to another?--to punish this one by withdrawal, and favour

this other one by large deposits?--to determine the disposal of thousands and hundreds of thousands to City Councils and Railway Companies, by a mandate over the wires? Sir, I do ask this House, if in the face of such wasteful balances they are prepared to vote, on the mere demand of the Inspector General, and without the shadow of a financial statement, that fifty thousand pounds is all the reduction that can be made on the customs' duties?¹⁵⁹ He repeated it was a disgrace to a finance minister to bring down his budget in so careless a manner; and the fact was he presumed on his majority.¹⁶⁰ Were it not for the constant repetition of such scenes of subserviency as this--the hon. gentleman would not have dared to propose such a miserable scheme of reduction. He knows by experience that whatever he asks, this House will submit to--and he calculates upon it. I do think that after all the cry of the Reform party of wasteful extravagance and the necessity of retrenchment in the public service--to proceed in this manner is scandalous in the extreme.¹⁶¹

MR. INSP. GEN. HINCKS said to the hon. member for Kent that all he had stated was incorrect; and that the conclusions that he had drawn were false.¹⁶² Those balances which the hon. member had read over were not exclusively the property of the Province; but they belonged to several funds.¹⁶³ He knows that large portions of the balances are the property of¹⁶⁴ the Great Western Railroad Company ... [and] the St. Lawrence and Atlantic Railroad Company¹⁶⁵ and then again that there are large balances belonging to various public funds. Statements were laid before the House every year of the only fund that the House had anything to do with. The consolidated fund of these large balances, a large portion may be called for any day. The hon. gentleman knows all this as well as I do, and he will not deny it.¹⁶⁶

MR. BROWN.--I do deny it!¹⁶⁷

MR. INSP. GEN. HINCKS.--Does the hon. gentleman mean to say that what I have stated is not true?¹⁶⁸

MR. BROWN.--I do not mean to say that the hon. gentleman deliberately states what he knows to be untrue; but the facts are not as he states them.¹⁶⁹

MR. INSP. GEN. HINCKS said that a large portion of those balances arose from the fact that all the estimates of the year had not been paid. A large portion arose from unpaid rebellion losses claims.¹⁷⁰ The truth was that while there were sometimes large floating balances on hand, they were not as they appeared to the hon. member for Kent, the property of the Province.¹⁷¹ Did the hon. gentleman mean to say that when he (Mr. H.) said that large portions of this money had got to be paid out, that that was untrue? He (Mr. H.) had always been anxious with the large payments that are coming due, to have funds on hand to meet them.¹⁷² As he had said before, it was important to have money to take up the £300,000 of debentures¹⁷³. He was sure that the majority of the House would agree that the debt should not be reduced any more than was now proposed, and next year it would be possible to make still greater reductions.¹⁷⁴ The hon. member for Montreal after carefully going over the public accounts¹⁷⁵ comes down with a series of resolutions, but what do they amount to?¹⁷⁶ A scheme, to make a reduction of £20,000 more than his (Mr. H.'s). It was no great affair and if reductions were the only object in view, a more effectual scheme might be proposed. Hon. gentlemen wanted to make farther reductions than he (Mr. H.) proposed; but he did not see at any rate there was any necessity for haste.¹⁷⁷

MR. BROWN said, I hope the hon. gentleman will not imagine that the resolutions of the hon. member for Montreal embraced the full amount of reduction I demand on the customs' duties. If he does, he is mistaken. The hon. gentle-

man says that the facts I have stated in regard to the public money are incorrect; does he mean to say that the balances I named were not in the public chest at the dates named?¹⁷⁸

MR. INSP. GEN. HINCKS.--I did not say so. I have no doubt the figures were correctly stated.¹⁷⁹

MR. BROWN.--Then the whole objection to my statement is, that portions of these large balances were not at the disposal of the Government for ordinary purposes, but belonged to special funds. It is quite true, Mr. Chairman, that there were included sums, voted in the supplies, but not yet required, and cash belonging to the Clergy Reserves and other funds, waiting for investment--but the hon. gentleman knows well that these funds are comparatively, to a very small extent, never exceeding £150,000--and he knows too that there are always such balances, and that like a banker's deposits, a certain sum in hand from such special funds, may always be calculated upon. The hon. gentleman, therefore, offers no palliation for the waste of interest which his policy has caused.¹⁸⁰ The balances were there, and were they to keep five hundred thousand pounds on hand, and lose £30,000 a year interest.¹⁸¹ I am sure that it is for neither the political nor the¹⁸² material¹⁸³ interests of Canada that the Government should have a continuous balance of £500,000 in their hands to shift about from one banking institution to another¹⁸⁴ and ... [it] should not be allowed to remain. But why does the hon. gentleman not give us the particulars? The subject is one on which parliament ought to decide, and the Inspector General ought not to be allowed to do what he will in this matter, irrespective of the consent or wishes of parliament.¹⁸⁵ The hon. gentleman has a large sum in the public chest now. The past quarter's expenses are paid off, the large customs' receipts are about to pour in on him; he has no extraordinary expenditure to meet; the ordinary revenue exceeds the ordinary expenditure by £300,000 a year, and no reasonable cause can be averted for maintaining the duties at their present rate. True, the hon. gentleman says he means to pay off £300,000 of debt. I do not think Mr. Chairman, that it is a matter of course that this debt should be paid¹⁸⁶, that was too large a sum for the Province to pay at once.¹⁸⁷ I think it is a fair matter of discussion, and that the hon. gentleman should be compelled to send down his whole scheme ere we move further.¹⁸⁸

MR. YOUNG differed entirely from the hon. Provincial Secretary, when he said that this information was not necessary. He thought it a most extraordinary proceeding on the part of the Inspector General, not to furnish it. He would like to know if the hon. Inspector General meant to pay off all the debentures this year?¹⁸⁹ He did not believe it was politic to pay £300,000 at once, and especially in the present state of the money market.¹⁹⁰ He (Mr. Young) did not think that this generation should pay off this debt because¹⁹¹ [the] debt was incurred for the use of future generations--for the permanent improvement of the country¹⁹², it was as much for the future as for the present. It was necessary to make some changes to recover the trade that was so rapidly leaving us. The hon. Inspector General taunted him with his scheme calling it a paltry one, but if it is paltry, that of the hon. gentleman is more paltry still. (Cheers.)¹⁹³ He (Mr. Young) made his scheme not possessing the information of the Inspector General; and it was more that hon. member's business to bring down schemes of finance than his (Mr. Y.'s). The Inspector General's scheme and his manner of bringing it forward were discreditable to him as a finance minister.¹⁹⁴ He should have an opportunity at some future time to explain the reasons for making the reductions that he proposed. He would merely state that all duties should be taken off raw materials, that the mechanics of this country might be placed in as good a position as those of the United States, which at present they are not. He concluded by stating that for the reasons he had given, he should vote for the amendment.¹⁹⁵

MR. J.A. MACDONALD hoped that the hon. member for Kent would withdraw his motion.¹⁹⁶

MR. INSP. GEN. HINCKS could not make out what the hon. member for Kent wanted. Did he not believe that the amount stated was really falling due? If he did not, he might find it at least a dozen times in the journals of the House.¹⁹⁷

MR. BROWN would tell the Inspector General again what he did want. He asked for a statement of the debentures that the Inspector General intended to pay off. He should also give in a statement of his cash in hand, the estimated revenue and expenditure of 1853--the balance he will have, and the amount he proposes to pay. He (Mr. Brown) did not believe that the reduction proposed by the Inspector General would amount to anything like £70,000.¹⁹⁸

Mr. Brown's amendment was put and lost¹⁹⁹.

MR. INSP. GEN. HINCKS finally consented to postpone the debate until Friday²⁰⁰.

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Rose reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Friday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

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*Then, on motion of Mr. Gamble, seconded by Mr. Dubord,
The House adjourned.*

APPENDIX: 5 APRIL 1853.

[NOTICE OF MOTION RE: RESOLUTION FOR RETURN OF DEPORTED IRISH AND WELSH REBELS.]

MR. MACKENZIE [gave notice that he would move for a] Committee of the Whole to consider a resolution for an address to Her Majesty, praying for the restoration to their country, of William Smith O'Brien, John Frost and their Welsh and Irish colleagues, now in exile, for having taken part in the political troubles of a less tranquil era than the present.²⁰¹

[NOTICE OF MOTION RE: BILL FOR ADMINISTRATION OF JUSTICE IN U.C. UNORGANIZED TRACTS.]

MR. INSP. GEN. HINCKS [gave notice that he would introduce] a bill to make better provision for the administration of justice in unorganized tracts in Upper Canada.²⁰²

FOOTNOTES: 5 APRIL 1853.

1. This further statement of the Prince Edward Election Committee was reported in identical accounts by the following papers: HAMILTON SPECTATOR DAILY, 6 April 1853, GLOBE, 7 April 1853, and LA MINERVE, 7 April 1853.
2. HAMILTON SPECTATOR DAILY, 6 April 1853.
3. The following papers reported this motion in identical accounts: MORNING CHRONICLE, 8 April 1853, MONTREAL GAZETTE, 11 April 1853, BRITISH COLONIST, 15 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 16 April 1853, and HAMILTON SPECTATOR WEEKLY, 21 April 1853.
4. MORNING CHRONICLE, 8 April 1853.
5. IBID.
6. The exchange on this matter was reported by GLOBE, 21 April 1853. The following papers noted the exchange in identical accounts: MORNING CHRONICLE, 8 April 1853, MONTREAL GAZETTE, 11 April 1853, BRITISH COLONIST, 15 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 16 April 1853, and HAMILTON SPECTATOR WEEKLY, 21 April 1853.
7. MORNING CHRONICLE, 8 April 1853.
8. GLOBE, 21 April 1853.
9. MORNING CHRONICLE, 8 April 1853.
10. MORNING CHRONICLE, 8 April 1853. The motion for committal was reported in identical accounts by the following papers: MORNING CHRONICLE, 8 April 1853, MONTREAL GAZETTE, 11 April 1853, BRITISH COLONIST, 15 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 16 April 1853, and HAMILTON SPECTATOR WEEKLY, 21 April 1853.
11. MORNING CHRONICLE, 8 April 1853.
12. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 8 April 1853, MONTREAL GAZETTE, 11 April 1853, BRITISH COLONIST, 15 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 16 April 1853, HAMILTON SPECTATOR WEEKLY, 21 April 1853, NORTH AMERICAN SEMI-WEEKLY, 22 April 1853, and NORTH AMERICAN WEEKLY, 28 April 1853. The debate was also reported by GLOBE, 21 April 1853. The following papers noted the debate in partially identical accounts: BRITISH WHIG, 7 April 1853, HAMILTON SPECTATOR DAILY, 7 April 1853, PILOT, 7 April 1853, MONTREAL GAZETTE, 8 April 1853, NORTH AMERICAN SEMI-WEEKLY, 8 April 1853, EXAMINER, 13 April 1853, and LA MINERVE, 7 April 1853.
13. GLOBE, 21 April 1853.
14. IBID.
15. IBID.
16. MORNING CHRONICLE, 8 April 1853.
17. GLOBE, 21 April 1853.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. MORNING CHRONICLE, 8 April 1853.
23. IBID.
24. GLOBE, 21 April 1853.
25. IBID.
26. IBID.
27. IBID.
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38. IBID.
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40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. The following papers reported the debate on this matter in partially identical accounts: BRITISH WHIG, 7 April 1853, GLOBE, 7 April 1853, HAMILTON SPECTATOR DAILY, 7 April 1853, PILOT, 7 April 1853, MONTREAL GAZETTE, 8 April 1853, NORTH AMERICAN SEMI-WEEKLY, 8 April 1853, EXAMINER, 13 April 1853, and LA MINERVE, 7 April 1853; MORNING CHRONICLE, 8 April 1853, MONTREAL GAZETTE, 11 April 1853, PILOT, 14 April 1853, BRITISH COLONIST, 15 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 16 April 1853, HAMILTON SPECTATOR WEEKLY, 21 April 1853, NORTH AMERICAN SEMI-WEEKLY, 22 April 1853, and NORTH AMERICAN WEEKLY, 28 April 1853. The debate was also reported by GLOBE, 21, 23 April 1853. A commentary appeared in HAMILTON SPECTATOR SEMI-WEEKLY, 16 April 1853.
47. GLOBE, 21 April 1853.
48. MORNING CHRONICLE, 8 April 1853.
49. GLOBE, 21 April 1853.
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81. GLOBE, 21 April 1853.
82. MORNING CHRONICLE, 8 April 1853.
83. IBID.
84. GLOBE, 21 April 1853.
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102. GLOBE, 21 April 1853.
103. MORNING CHRONICLE, 8 April 1853.
104. GLOBE, 21 April 1853.
105. IBID.
106. MORNING CHRONICLE, 8 April 1853.
107. IBID.
108. IBID.
109. GLOBE, 21 April 1853.
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117. GLOBE, 21 April 1853.
118. MORNING CHRONICLE, 8 April 1853.
119. IBID.
120. IBID.
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122. IBID.
123. IBID.
124. IBID.
125. GLOBE, 21 April 1853.
126. IBID.
127. IBID.
128. IBID.
129. MORNING CHRONICLE, 8 April 1853.
130. GLOBE, 21 April 1853.
131. IBID., 23 April 1853.
132. IBID.
133. MORNING CHRONICLE, 8 April 1853.
134. IBID.

135. GLOBE, 23 April 1853.
136. IBID.
137. IBID.
138. MORNING CHRONICLE, 8 April 1853.
139. GLOBE, 23 April 1853.
140. PILOT, 7 April 1853.
141. GLOBE, 23 April 1853.
142. PILOT, 7 April 1853.
143. GLOBE, 23 April 1853.
144. IBID.
145. MORNING CHRONICLE, 8 April 1853.
146. IBID.
147. GLOBE, 23 April 1853.
148. IBID.
149. IBID.
150. IBID.
151. IBID.
152. IBID.
153. MORNING CHRONICLE, 8 April 1853.
154. GLOBE, 23 April 1853.
155. MORNING CHRONICLE, 8 April 1853.
156. GLOBE, 23 April 1853. MORNING CHRONICLE, 8 April 1853, listed the amounts as follows: "... on the first of July, 1850, £450,000; Oct. 1, £440,000; Jany. 1, 1851, £520,000; April 1, £310,000 [BRITISH COLONIST, 15 April 1853, gives £300,000 here]; July 1, £497,000; Oct. 1, £343,000; 1852, Jany. 1, £487,000; April 1, £566,000; July 1, £752,000; Oct. 1, £644,000; and on the first of Jany., 1853, £751,000." Only GLOBE, 23 April 1853, gives the figure for April 1853.
157. GLOBE, 23 April 1853.
158. MORNING CHRONICLE, 8 April 1853.
159. GLOBE, 23 April 1853.
160. MORNING CHRONICLE, 8 April 1853.
161. GLOBE, 23 April 1853.
162. IBID.
163. MORNING CHRONICLE, 8 April 1853.
164. GLOBE, 23 April 1853.
165. MORNING CHRONICLE, 8 April 1853.
166. GLOBE, 23 April 1853.
167. IBID.
168. IBID.
169. IBID.
170. IBID.
171. MORNING CHRONICLE, 8 April 1853.
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176. GLOBE, 23 April 1853.
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178. GLOBE, 23 April 1853.
179. IBID.
180. IBID.
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- 185. MORNING CHRONICLE, 8 April 1853.
- 186. GLOBE, 23 April 1853.
- 187. MORNING CHRONICLE, 8 April 1853.
- 188. GLOBE, 23 April 1853.
- 189. IBID.
- 190. MORNING CHRONICLE, 8 April 1853.
- 191. GLOBE, 23 April 1853.
- 192. MORNING CHRONICLE, 8 April 1853.
- 193. GLOBE, 23 April 1853.
- 194. MORNING CHRONICLE, 8 April 1853.
- 195. GLOBE, 23 April 1853.
- 196. IBID.
- 197. IBID.
- 198. IBID.
- 199. MORNING CHRONICLE, 8 April 1853.
- 200. PILOT, 7 April 1853.
- 201. GLOBE, 23 April 1853.
- 202. IBID.

WEDNESDAY, 6 APRIL 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Taché,--The Petition of Joseph Plante and others, Pilots for and below the Harbour of Quebec.

By Mr. Sanborn,--The Petition of Mrs. Laura Terrill, widow of the late H.B. Terrill, Esquire, of the County of Stanstead.

By Mr. Dumoulin,--The Petition of P.R. Robillard and others, School Commissioners for the School Municipality of the Village of the Parish of François du Lac, County of Yamaska.

By Mr. Seymour,--The Petition of John Priest and others, of the Village of Bath and vicinity.

Pursuant to the Order of the day, the following Petitions were read:--

Of George Smith and others, of the Township of Thorah; praying for the passing of an Act to amend the Territorial Divisions Act, by detaching the said Township from the County of Ontario and attaching it to the County of York, without making it liable for any share of the debts of the said County of Ontario.

Of the Municipality of the United Townships of Mara and Rama; praying for an Act to amend the Territorial Divisions Act, by attaching the Townships of Mara and Rama, Thorah, Georgina, and Brock, to the County of York.

Of J.H. Thompson and others, of the Township of Brock; praying for the passing of an Act to amend the Territorial Divisions Act, by attaching the said Township with certain others to the County of York.

Of the Honorable Peter McGill and others, Bankers and Merchants of the City of Montreal; and of James Campbell and others, of the Town of Goderich; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Provincial Canals.

Of Harvey Miller, Chief Ruler, and Christopher Fletcher, Recording Secretary, on behalf of Brock Tent, No. 331, Independent Order of Rechabites at Brockville; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating Liquors, except for medicinal, mechanical, or sacramental purposes.

Of John Burke and others, of the Township of Newton, County of Vaudreuil; praying for certain amendments to the Registry Laws.

Of George J. Grange and others; praying for an Act of Incorporation under the name of "The Guelph, Georgian Bay and Lake Huron Railway Company."

Of the Corporation of St. Andrew's Church, Quebec; praying for the passing of an Act to authorize them to mortgage or sell the property of the said Church to a certain amount, for the erection of a new and more commodious Church.

Of Sister M.R. Coutlée, Superior, and others, Sisters of Charity in charge of the General Hospital in the City of Montreal; praying for the passing of an Act authorizing them to sell or dispose of their property at Point St. Charles, near the said City.

Of the Erie and Ontario Railroad Company; praying that they may be authorized to take a certain quantity of Land vested in the Principal Officers of Her Majesty's Ordnance, and necessary for the purposes of the said Railroad.

Of Henry Taylor, of the City of Toronto; representing that he has devoted

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upwards of twenty years, and large sums of money, to the development of Science and questions affecting the interests of this Province, and that he is now advanced in years and unable to continue his labors without aid, and praying for aid in the premises.

Of the Toronto and Guelph Railway Company; praying for the passing of a Public General Act whereby Railway Companies may be enabled to acquire and hold

Lands for certain purposes, under certain uniform restrictions.

Of Walter Laidlaw and others, of the Township of Esquesing, County of Halton; praying that the Chairs of Law and Medicine in the Toronto University may be allowed to remain intact.

Of E. Boudreau and others, Roman Catholic Parishioners residing in the Banlieue of the Town of Three Rivers; praying to be exempted from payment of the Assessment proposed by the Bill now before the House, to be levied on the said Parish for the purposes of the Fabrique thereof.

Of David Inglis, Moderator, and others, the Kirk Session of St. Gabriel Street Church, Montreal, in connection with the Presbyterian Church of Canada; praying for the passing of an Act to remove doubts as to the validity of Registers of Births, Marriages and Deaths, kept by Ministers of the said Church in Lower Canada.

Resolved, That the Petition of His Grace the Archbishop of Quebec, Patron, and others, the Officers of the Catholic Institute of St. Roch's of Quebec, be referred to a Select Committee, composed of Mr. Cauchon, Mr. Polette, the Honorable Mr. Badgley, Mr. Lacoste, and Mr. Stuart, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

On motion of Mr. Street,¹ seconded by Mr. Ridout,
Ordered, That the 64th and 74th Rules of this House be suspended as regards the Petition of the Erie and Ontario Railroad Company.

A Bill to amend and consolidate the Laws relative to Emigrants and Quarantine, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, again resolved itself into a Committee on that part of the Report of the Commissioners of Public Works for the year 1851, relating to the opening of a Canal between the St. Lawrence and Lake Champlain, for the purpose of taking into consideration certain Resolutions in relation thereto;²

MR. POLETTE ... [took] the Chair.³

The Resolutions ... proposed by MR. MERRITT ... are as follows:

1. Resolved, That from the proximity of Lake Champlain to the Rivers Hudson and St. Lawrence, the trifling elevation of the summits which divide them, and the natural advantages the great chain of lakes and rivers leading into the interior possess, the construction of a Canal to connect the St. Lawrence with the River Richelieu or Lake Champlain, of sufficient dimensions to admit the largest class of steamers from Lake Ontario to Whitehall, would materially cheapen the rates of transportation between Lake Erie and New York, regain the trade of the West through its natural channel the St. Lawrence, and increase the revenue from tolls on all our leading public works.

2. Resolved, That an humble address be presented to His Excellency the Governor General, to communicate the preceding resolution, and to recommend the subject thereof to the attentive consideration of His Excellency.⁴

MR. MERRITT proceeded to move the resolutions of which he had given notice. He said the outlet of the most extensive chain of lakes and rivers on this continent, flow through Canada. Nevertheless, from causes, not under the control of this Legislature, the trade of the entire country bordering on those waters had been diverted to the north of N. York. The object of the resolution under the consideration of this Committee was to regain a portion of this trade

by the construction of a ship canal, to connect Lake Champlain with the St. Lawrence. When this resolution was discussed in September last, it was opposed upon three grounds, to which he would reply in the order they occurred. First, was an apprehension that opening this channel would divert a portion of the present trade from Quebec to New York. With a view of removing this erroneous impression in October last, he addressed a letter to the Chief Commissioner of Public Works, pointing out the distance, and the cost of transport of a ton of goods from where the contemplated canal would diverge from the St. Lawrence, making a difference in favor of Quebec of 9s. 4d. per ton down, and 6s. 10d. per ton up. The St. Lawrence route ... [has a] descending current, whereas the route to New York must surmount the lockage of two summits under one transshipment, and pass through a boat canal of 70 miles in length before reaching the Hudson River. The cost of transportation from Cleveland to Quebec was also pointed out to prove that although the Champlain route was cheaper than the Erie canal to New York, the Quebec route was still cheaper than that by lake Champlain. Therefore, it would be impossible to divert a single ton either up or down from the port of Quebec. Secondly, it was also contended that the state of New York would not enlarge the Northern canal, connecting lake Champlain, with the Hudson river, therefore the trade of the West would not be diverted from the Erie canal. His answer to that was, the one route had only 70 miles of boat canal to compete against 363 miles of boat canal, inasmuch as after the enlargement, the Erie canal still remains a boat canal, the locks only admitting the passage of a boat of 17 feet 2 inches in width, and the cost of transportation is only⁵ reduced⁶ from 5 mills per ton per mile, to 4 mills per ton per mile. In that letter, the difference in favor of this route over the Erie canal, was based on the lowest price for freights in any one year for the last 22 years, from the report of tolls, trade and tonnage for 1851, which gave sixpence per barrel of flour down, and 2s. 3d. per ton of merchandize up. However, as a most able report has been recently published by Wm. J. McAlpine, Esq., state engineer of the New York canals, giving a variety of calculations and information, founded upon certain data, which never before appeared, I will take the liberty of referring to one or two statements, to corroborate the prices estimated in the above letter to Mr. Chabot. In his table of the cost of transportation on different channels of communications, the ocean is given at $4\frac{1}{2}$ mills per ton per mile; lakes, 2 mills; rivers, $2\frac{1}{2}$; canals, 4; ordinary canals, 5; railroads, 6 to 10 for coal; all other articles $12\frac{1}{2}$ mills per ton per mile. On this data, the relative cost of transportation, between Cleveland and New York by the two routes will be as follows:--

| Via Erie Canal | |
|---|------------------------|
| Cleveland to Buffalo, 200 m., Lake @ 2m. | \$0.40 ⁷ |
| Buffalo to Albany, 363 m., Canal @ 4m. | 1.45 |
| Albany to New York, 140 m., River @ $2\frac{1}{2}$ m. | <u>.35⁸</u> |
| 703 miles, per ton, | \$2.20 2-10 |
| Via Lake Champlain | |
| Cleveland to W. Hall, 640 m., ⁹ Lake @ 2m. | \$1.28 |
| White Hall to Albany, 70 m., Canal @ 5m. | .35 |
| Albany to New York, 140 m., River @ $2\frac{1}{2}$ m. | <u>.35</u> |
| 850 miles, per ton, | <u>\$1.98</u> |

Difference per ton in favor of Champlain, 22 2-10.

Without entering into details to shew the disproportion of the cost of transit on wide or narrow waters, or the disproportion in favor of canal over lake navigation by the above--it is quite enough for the present object to prove the superiority of this route, under any circumstances. The passage of the same vessel through the short canals in Canada without transshipment, does not increase

the price over lake freight, and the facilities offered by the descending current and ascending by slackwater will give the ship channel through Canada a decided advantage, in point of time, over the boat canal of New York, between those two ports. Third--It was also contended, that the northern canal might be enlarged to the same dimensions as the ship canals in Canada--which will give the entire freight to the vessels of the United States. The tendency of this argument is to delay the commencement of this work until the question of the coasting trade is first settled. My answer is, that under our present commercial system, Canadian vessels are already excluded from conveying a simple article of return freight from Ogdensburgh, Cape Vincent, Sacket's Harbour, Oswego, Johns Bay,¹⁰ Rochester, Toonewandy [sic], Buffalo or Dunkirk, all of which are prominent points, to any American ports above, consequently the coasting trade has no bearing whatever on the construction of this canal. I fully admit the importance of the shipping trade of Canada, but it must be settled upon a very different principle. It is the duty of this House to point out to our independent government in Great Britain the facts relative to this coasting trade, and procure if possible its settlement in the pending negotiation on equal terms to Canada and the United States. If it were true that opening this communication, would injure the shipping interest of Canada, it was no good reason for its postponement, it was a mere drop in the bucket, when compared to the higher interests involved. The trade of Boston alone will open a greater demand and a better price for the productions of Canada than all Europe. The increase of the trade between the Eastern and Western States, through Canadian canals and Canadian waters, which will be conveyed in Canadian vessels at present, will be of more value to the shipping interest of Canada than the whole of the interior trade we at present possess. Although it is immaterial to us whether the northern canal in New York is extended to the same dimensions as the ship canals in Canada, inasmuch as it will be the cheaper route to New York. Still he had no doubt that the first cargo discharged at Burlington, from a vessel cleared from Chicago, would be the signal for the immediate commencement of a ship canal from Lake Champlain to the Hudson. The intelligence, enterprise and wealth of the citizens of the city of New York, was shewn in there [sic] successful efforts in [r]emoving the Cunard line of steamers from Boston to New York. The same motive will ensure the construction of the communication. The citizens of the State also were making the most gigantic efforts to effect this object. At this moment a bill was before the senate of New York, authorising an increased debt of \$10,500,000 for completing the enlargement of the Erie canal within six years, which will be submitted to the people under the terms of the constitution, and would most likely be successful. It appeared from the calculations exhibited, that the present toll on the tonnage passing from east to north, and vice versa, would well pay off the first canal debt in 1866. The general fund debt in 1871; and the future loan in 1872. This calculation is based upon an amount of 4,000,000 tons; all lateral railroads to be subject to same tolls as on the canals. The house might not comprehend those calculations, but it must not shut its eyes to the effects already produced under the provisions, of their constitution. Since 1846, the principal of the canal debt had been reduced over \$3,000,000, in September last only \$15,500,000 remained unpaid. Let the value of the western trade at this moment be examined, it would be found from the report of the State Engineer for the last year, that the extent of the lake trade concentrated at the eastern end of Lake Erie covered 330,000 square miles, (see page 54). The commerce of those lakes alone were valued at \$800,000,000,¹¹ and employed 80,000 tons of steamers and 140,000 tons of sail vessels. Its increase was unparalleled in the commercial annals of ancient or modern history, having doubled in three years. The trade on the Erie canal gave employment to 6000 boats--the navigation season contained 239

days,--the lockages were 41,572,¹² averaging 173 per day--one in every 8 minutes. The increase of movement exceeded 300,000 tons, although in consequence of the reduction of toll on heavy articles the movement fell off \$200,000 in addition to \$500,000 estimated from the removal of tolls on the various railroads. The State Engineer estimating the reduction in the cost of transportation from Albany to Buffalo at 75 cents per ton--which is the equivalent to the extension of the area of drainage of trade on a river similar to the Ohio of 250 miles; on an ordinary canal 150 miles; one railroad 50 miles; and on a common road from 5 to 7, when not met by competing lines, and when so met one half of this distance. A map was published shewing the extent of country, so drained, which embraces six north western States, and Missouri with an annual cereal production equal to 300,000,000 bushels. The value of the trade of Canada was also given. The tolls on which¹³ pays the New York canals¹⁴ \$300,000 per year. The different channels of communication competing for this trade were--1st. The Mississippi to New Orleans on which river 1200 steamers were employed in 1848; 2nd. The St. Lawrence, to Quebec, at which port you may see some six steamers; 3rd. Canal to intersect Richard [sic]¹⁵; 4th. Railroads and projected to Baltimore; 5th. The Pennsylvania [sic] canals; 6th. The New York canals. The cost of transportation on those different channels are also given. Quebec was admitted to be the cheapest; still on the completion of the enlargement the writer claimed for the Erie canal the preference. With these facts before us Mr. Chairman, was it not our duty to make an effort to regain this trade. If the government of New York would venture to borrow a half a million of dollars to draw this trade to there [sic] favored port, should Canada not venture on \$2,000,000 to effect the same object. They had no other resources, but the income furnished by the canal itself, on which they can borrow money at less than 5 per cent. Surely with the same security, backed by customs duties, Canada [can] do the same. It was stated by the Inspector General, on the last discussion on these resolutions that the St. Lawrence canals had proved a failure; but he did not intend to cast any censure on their promoters, because it was owing to circumstances over which they had no control. He ought to have pointed out in what respect they had not answered public expectation, and pointed out the cause....The St. Lawrence canals were constructed for the purpose of cheaper transportation from the western lakes to Montreal, in which they had been eminently successful. Freights had been reduced less than $\frac{1}{2}$ of the prices heretofore paid.¹⁶ A barrel of flour could be conveyed from Lake Erie to Montreal at one half the price it could be conveyed from the same point to New York. Still we had not only failed to draw the western trade through Canada, but had lost the greater part of the trade of Canada also. To what cause was this fact to be ascribed. The national advantages which this outlet possessed over any other channel had not been withdrawn. No greater obstacle exists now in the Navigation than when it commanded the entire trade of its tributaries. The true cause was to be attributed to the commercial laws and policy of Great Britain and the United States. They united in paying an annual bonus, representing a capital of £7,000,000 sterling, to build up a Marine between Liverpool and New York, which has reduced the ocean freights to less than one half the cost from Montreal to Liverpool, which had diverted the whole foreign trade from the St. Lawrence; and by the laws of the latter, Canadian vessels are deprived of a participation in the interior c[o]asting trade¹⁷ and Canadian products are excluded from their markets by high duties; procure similar bounties for ocean steamers and cheapen ocean freights, and you will restore the natural advantages this route possesses, and regain the trade of the west.¹⁸ He felt persuaded the value of this measure was not understood, or there would not be a single member found to oppose it. Neglect it or put it off, until the enlargement of the Erie canal, until their public debt is paid off, and

until the present tolls which were nearly one half the cost of transportation were removed--and the trade of Canada was lost for ever. But open this channel, and you gain the only means of participating in the ocean bounty to New York, and you secure the natural channel of the St. Lawrence. It had been stated that in consequence of the exports from Canada, consisting principally of timber and cheap bulky articles, and its imports in light valuable articles, the return freights must always be proportionably higher from Quebec to Europe than from New York to Europe. If this opinion were well founded, then he admitted at once that our ship canals had not only proved a failure, from the causes already assigned, but that they would ever continue a failure. He admitted if the trade of the St. Lawrence were always to be confined to the trade of Canada, this reasoning would be sound. But with what object was [*sic*] those ship canals constructed?¹⁹ For the trade of the millions in the Western States, who will furnish an abundant demand for return freight.--We must not conceal from ourselves the efforts the Legislature of New York are making to retain this trade. At this moment a bill is before the Senate authorizing an increased debt of \$10,500,000 for completing the enlargement of the Erie canal within six years, which will be submitted to the people under the terms of the constitution, and would most likely be successful. It appeared from the calculations exhibited that the present toll on the tonnage passing from east to west, and vice versa, would pay off the first canal debt in 1866. The general fund debt in 1871; and the future loan in 1882. After which the whole of the downward toll, "which now equals the cost of transportation, may be removed." This calculation is based upon a movement of 4,000,000 tons; all lateral railroads to be subject to [the] same tolls as on the canals. We must not shut our eyes to the effect already produced under the provisions of the constitution of New York. Since 1846, the principal of the canal debt had been reduced over \$3,000,000--in September last only \$18,000,000 remained unpaid--\$10,000 bearing interest at five per cent, the remainder at six.²⁰ If New York continued to diminish her public debt, Canada could do the same. If she kept up the present high toll we could do the same. If she reduced the tolls we followed. She had no customs duties, we had. We possessed every advantage in geographical position in the length of navigation by steam and large vessels, and in fiscal resources. One of the former comptrollers of New York, and the most able financier that had yet appeared on this continent,²¹ Mr. Flagg,²² published an essay on those inland waters, in which he says the battle for the trade of the West, must be fought on the Lakes. True, you have, therefore, no time to lose. Prepare for this battle before the toll on the New York Canals are removed and you deprive yourself of the means of success.

In closing those remarks he called attention to its great importance. It is truly a national object; it should be commenced immediately, and completed in the shortest time, at any cost and at any trouble.

The second objection urged was that the Americans would have a monopoly of this route, if it were opened. This was not correct. No one was more favorable to the shipping interest of the country than himself; but if we wanted to get our share of the trade, we must show its position to Great Britain, in order to obtain equal advantages with the Americans. If they were allowed to trade from one British port to another, Canadians ought to be allowed to do the same from one British port to another. He felt sure that eventually the Americans would build a ship canal from Lake Champlain to the Hudson. With the same energy that they had put forth to secure a share of the Atlantic Steamers they would make this ship canal, whenever the first ships from Chicago should be discharged at Burlington. But it was of little consequence whether they did this or not for as it was at present even, we had but seventy miles of canal to reach a point, which they could only reach with three hundred miles of canal. The hon. member then

called attention to the immensity of the trade of the west, and cited many statistics to show what it now did for the Erie Canal. But the Americans were not now satisfied. They had just determined to expend \$50,000,000 on the Canals, and expected in that way to gain the Illinois, trade equal to 300,000,000 bushels. They were about also to pay off in a few years the whole state debt, and then in what position should we be placed? They would take off the whole of their tolls and deprive us of the small trade we still had. He went on to argue that the construction of the Champlain Canal would enable Canada to do the same thing. At present instead of our trade being drawn through our canals, it went round by way of New York. The fact was that the policy of Great Britain and the United States were both opposed to the trade of Canada. The great cause of the loss of our own trade was the establishment of Atlantic Steamers with government aid. He did not, however, despair of seeing this rectified; for Canada had the cheapest route as the Americans acknowledged, though they thought by enlarging the Erie Canal, they would again make that the cheapest. He trusted this resolution would be carried unanimously, and that government would attend to that expression of opinion on the part of the House.²³

MR. COM. PUB. WORKS CHABOT did not believe there was any reason to think that the construction of a canal between the St. Lawrence and Lake Champlain, was the best way to expend half a million for the encouragement of the trade of the country. Nor did he think that it was the best means to increase the trade of the St. Lawrence, to open a way for goods to leave the route at or above Montreal. The Chambly Canal might be improved so as to answer [e]very purpose.²⁴

MR. ROBINSON, thought the Hon. Commissioner of Public Works placed the question unfairly before the Committee. He assumes that if the Caughnawaga Canal were made it would take from the St. Lawrence, at and below Montreal, the trade which now comes there, and divert it to New York. Now he (Mr. R.) denied the correctness of this assumption, but he contended the effect would be, to bring down the St. Lawrence and Caughnawaga Canals a very large portion of the trade of the West, which now finds its way to New York and Boston, by the Erie and Oswego Canals, and Ogdinsburgh [sic] and other railways. No portion of which now comes below Ogdensburgh. The hon. gentleman further says that by improving the Chambly Canal at a small expense would answer the purpose contemplated by the Caughnawaga Canal. He would deny this. What is the fact? A vessel going from Lachine to St. Johns by Chambly, would have to descend 8 miles to Montreal, 45 more to Sorel, and say 60 more to St. Johns in all 113 miles, against about 25 or 30 miles if going by the proposed Canal from Lachine to St. John[s], and about 14 locks to pass through instead of 2 or 3. The hon. gentleman says the difference in time would be only 13 hours, but he Mr. R. contended it would be more like 3 days. And hon. gentlemen must remember that a very trifling advantage in point of time and expense would now attract the work from other routes. To the whole of the Bytown and Ottawa Lumber Trade, and the Trade in Lumber from the Lake Country of Upper Canada. When that trade is now counted by millions of feet, this Canal is most important²⁵. When he was Commissioner of Public Works, he had had a report made concerning this proposed Canal, in order to ascertain the expense of making it.²⁶ It can be constructed for some £400,000 and not a million as some persons contend. He (Mr. R.) should support the resolutions of the hon. member for Lincoln, and hoped other members of the Government would not take the same view of the question as the Commissioner of Public Works.²⁷

MR. R. CHRISTIE ridiculed Mr. Merritt's anticipations; reading from a note he had taken of a speech made by that gentleman in 1849,²⁸ in which it was pre-

dicted that in five years the trade on the Canadian canals would be as large as that on the New York canals, and in twenty years the tolls on the Welland canal would pay the Provincial debt.²⁹

MR. YOUNG said--It is only, Mr. Chairman, by an understanding of the facts in this question that the House can arrive at a just conclusion; and if honorable members will give me their attention for a few moments I will try to lay before them some facts derived from official sources. The total movement of property of all kinds on the Erie canal, in 1852 was 3,582,733 tons. The total movement on the Welland canal in the same year was 743,060 tons; and on the Chambly canal 87,154 tons. While there was so great a movement on the Erie canal, our greatest movement was only about one-fifth, and nearly one-half of that passed into the United States by way of Oswego, Ogdensburg[h] and Cap[e] St. Vincent, leaving only about one-eighth part to pass through the St. Lawrence. It is stated that if a canal was constructed to connect the waters of Lake Champlain with the St. Lawrence, the route through the St. Lawrence canals to Boston and New York would be superior to any other. It is well to examine if this is the fact, and upon what grounds such an opinion is founded. This can be done by a comparison of both routes.

| | Downwards. | | | | |
|---|------------|-----------------------|---------------------------|-----------------------|-------------------------|
| | Miles. | Miles by canal. | Miles. Lake. River. | Lock- age feet. | Tran- ship- ment. |
| Buffalo to N.Y. | 508 | 363 | 145 | 698 | 2 |
| Port Colborne to N.Y. via Lake Champlain | 730 | 121 | 619 | 539 | none |
| Port Colborne to Montreal | 363 | 28 | 335 | 370 | none |

You thus see, that we have only 121 miles of canal navigation, against 363 in the other, 539 feet lockage, against 698 feet and no transshipment, against her by the Erie canal. But more, Sir, the vessel that could navigate the St. Lawrence and Champlain route would be at least 380 tons, against boats of about 75 tons. Every one acquainted with business knows the influence exerted on freights by large vessels. These facts are well known in the United States, and there is scarce a document issued by the officers of the state of New York, which does not refer favorably to this work. In Mr. Seymour's report for 1850, to the legislature of New York, he says:

"I apprehend another and still cheaper route by water to Lake Champlain will soon come into operation, at the north, which will produce cheaper transport to Boston and to New York. Canada and Boston have not yet perfected all their works devised expressly for this purpose, all will soon have their machinery in full motion. Their plans are not the product of blindness and folly. They are the results of good judgment and just appreciation of the great boon sought and the best means of attainment."

In the report made to Congress by the chairman of the committee on commerce reference is made as follows to this work:

"The greater part of this trade passed inland through the United States, and a large portion of the merchandise which this value represents, paid tribute to the canals, railroads, and steamboats, of our interior. There can be but little doubt that reciprocity would soon double the revenue which our inland routes of transportation now derive from Canadian trade. This increased trade, together with the rapidly swelling stream from the Northwest, would overflow the present channels and render practicable at least a project which, in the grandness of its

conception and future results, is second to few only of our great works or internal improvement. The committee refer to the project of uniting by a ship canal the waters of the St. Lawrence and the Hudson. It is evident that this work cannot be safely commenced until we shall secure the future enjoyment of the privileges of the Canadian canals on the St. Lawrence, or until we shall be relieved from the apprehension that discriminating duties will be imposed by Canada upon American productions. These questions will be settled by the adoption of the proposed measure of reciprocity, and an increase of trade secured, which will demand the completion of this route. It has been proposed to construct a canal near Montreal, of sufficient size to float a vessel of three hundred tons, to unite the waters of the St. Lawrence with Lake Champlain, and to enlarge the Champlain Canal its entire length, to the head of navigation on the Hudson, to the same size, so that vessels of the above named dimensions from any Western lake port, can, without breaking cargo, discharge at the port of New York, or any other port on the Atlantic coast, and thence load, with merchandise for the West. By means of this ship canal, the coal of Pennsylvania will be born to the inexhaustible iron mines on Lake Champlain, whose forest combustible is nearly consumed; and by opening a direct communication with the Western States and the fertile regions of Canada West, this canal will furnish a new market for the iron of Northern New York. Much as the city of New York would gain by a direct ship communication with the great Mediterranean seas of the Northwest, and particularly by obtaining cheap supplies of lumber from Canada, she would be compelled to share with Boston, Philadelphia, Baltimore, and other Eastern cities, the advantages of this enterprise. While Philadelphia and Baltimore would be reached by water communication from Lake Champlain, the railroads from Boston, which reach the lake after crossing Vermont, must divert a considerable portion of the trade, and will gain from the completion of this canal a most important accession to their revenues."

Such, Sir, is the opinion expressed by American authorities respecting this work, and it is only here, in Canada, that this important undertaking is looked upon with doubt by government. The Hon. Chief Commissioner has favoured the house with his views on the bearing of this work on trade, and I can only say that I am astonished at his opinions on the subject, and can only account for them by a want of knowledge of the trade of the country. He says that the present route by the Chambly canal is only a few hours longer than it can be by the proposed route. Now, Sir, what are the facts? A vessel from Chicago, drawing 9 feet water, and of 350 tons,³⁰ can carry 3500 barrels.--Can this vessel go to Lake Champlain? No, Sir, the distance from Montreal to St. Johns via the Richelieu is 102 miles--the distance by the proposed canal is about 30 miles. In the one case there would be no transshipment, in the other, even if the vessel could go to Chambly, there would have to be a transshipment into six boats before it could be taken into Lake Champlain. Yet the hon. Commissioner tells us the Chambly Canal is the most favorable route. Again, he says, that the construction of this work would injure the navigation of the St. Lawrence. With this view I totally disagree. Is it not true, that the great bulk of the produce moving from West to East, and from the East to West, is between points above Lower Canada, at points from 120 to 300 miles above Montreal.--Do we get any of the Tolls; would the attraction of this traffic to a point near Montreal, bringing it from 120 to 200 miles further down the St. Lawrence, tend to injure it. I think not, Sir. The course of trade at present is this. Independent of the American trade in American vessels from the West, there is a large trade now transacted between the Eastern States and Upper Canada. The Canadian schooner leaves Toronto, and Hamilton, and proceeds across the Lake to Oswego, or Ogdensburgh, discharges her cargo, and reloads with merchandize, Canadian exports and Canadian imports, having enriched the American Forwarder, and American Canals. By the construction

of the proposed [sic] Canal, 150 miles of Lake navigation would be added to the St. Lawrence, the voyage from Toronto would be extended to Whitehall, some 520 miles, instead of one to Oswego of about 180 miles, and the vessel could reload at Whitehall with cargo now obtained at Oswego, and in both cases, the tolls would be paid into the Canadian Treasury. There is no doubt whatever as to the advantage of the measure to the people of Upper Canada. Now, Sir, there is another view of this subject. By the Engineer's Report who made the survey of this Canal, he advises that the departure from the St. Lawrence should be above the Lachine Rapids; it would then intersect the Chambly Canal about $7\frac{1}{2}$ miles below St. Johns, which work from that point would require to be enlarged. There would then remain of the Chambly Canal about $3\frac{1}{2}$ miles to the Richelieu. This I think should be also enlarged, and the River Richelieu deepened so that a vessel might sail from the lower St. Lawrence direct to Whitehall. This work seems to me of the greatest importance to the people of the District of Quebec, and Lower St. Lawrence generally. The rapid[ly] increasing population of the United States, the rapidly [sic] diminution of timber in the United States, the certainty of their [sic] continuing to be large customers [sic] for our timber, and the fact that large quantities exist in the valleys of every stream that runs from the North to the St. Lawrence, makes it certain a vast trade in timber from the Lower St. Lawrence will soon be established. This trade already exists to some extent from the River Saguenay. If such timber manufactures could be placed in a vessel and be taken directly to Whitehall or New York, there would be a vast saving of freight and to the extent of saving freight, would the value of the timber be increased. In connection with this I may mention that I see no reason why goods should not be shipped in Britain via the St. Lawrence to Albany or Troy, as cheaply as via New York, I find that Troy is 160 miles nearer Liverpool, via the straits of Belle Isle, than the same place is via New York.

| | | |
|---|-------|------------|
| Liverpool to Quebec,..... | 2,680 | |
| Quebec to St. John's [<u>sic</u>] via Sorel,..... | 180 | |
| St. Johns to Troy,..... | 203 | |
| | | <hr/> 3063 |
| Liverpool to New York,..... | 3,073 | |
| New York to Troy,..... | 150 | |
| | | <hr/> 3223 |

I may be met by those who oppose this, by the statement that the work may be all very well, but what is the use of building it, if the State of New York will not enlarge the Canal from Whitehall to the Hudson. On this subject let me read some extracts from the report of the Canal Commissioners of the State of New York of 1853.

"A proposition has also been submitted to the Legislature to construct the locks upon the Champlain Canal, when replaced by new structures, of the size of the enlarged locks upon the Erie Canal. This would be an important and desirable change, and it is to be hoped that the object will be accomplished at the earliest practicable period."

"It needs no argument to establish the necessity and expediency of completing our public works, and of the advantage possessed by Canals over railroads, as a means of transportation, especially when the enlargement of the Erie Canal shall be fully completed, the capacity of the boats that traverse its waters augmented at least threefold, and propelled, as they will unquestionably be, by steam power."

"It is impossible to shut our eyes to the fact that a formidable competition is now going on to take from our Canals the carrying trade of the western states. The competition [sic] for this rich prize not only is growing and gathering strength in states of our own country, but the Canadian Government is putting

forth its power to wrest it from us."

"But above all it is important to every citizen as a source of revenue sufficient to ensure, without taxation, the completion of our public works, the extinguishment of our state debt, and the support of our state government in all time to come."

Such are some of the views of the present Canal Commissioners of the State of New York. It will thus be seen that the enlargement of the Champlain canal is contemplated and recommended. I am aware that this enlargement spoken of, refers only to the Erie canal enlargement; but let us begin the proposed canal from the St. Lawrence ... [and from] an extensive correspondence and knowledge of the views of leading men in the State of New York, I have now [sic] doubt at all in saying that an enlargement corresponding to the canal we would build, would be at once made, and thus open up a steam communication direct with the city of New York.

Independent however of any enlargement of the canal from Whitehall, we have, in my opinion, by the construction of the proposed canal, the best route by far, to New York or to Boston. Supposing that the State of New York would not enlarge their canal from Whitehall to the Hudson, what would be the result? Would not the vessel from Chicago carrying 4000 barrels be able to sail direct to Burlington on Lake Champlain, and would not Boston have thus a superiority over New York? All will admit this. New York would not submit to such a state of thing[s]; so that without action on our part, the enlargement of the Champlain canal is certain from the interest of those concerned.

The hon. member for Gaspé has alluded to the hon. member for Lincoln, and has rather ridiculed his views, expressed some years ago, that the St. Lawrence canals, would when completed, yield the province a revenue of £500,000. Now, Sir, I believe the canals of Canada will not be completed, till the proposed work to connect Lake Champlain is made, but when this is done, I am willing to join with the hon. member for Lincoln in deliberately recording my conviction in what may be thought a ridiculous opinion, that in five years after this work is finished our public works will yield the province at least £500,000 per annum. Is it not a fact, Sir, that the gross revenue of the Erie canal at present is £800,000; and looking at the progress of the Western States and Western Canada, is there any thing surprising for us, with a better route, to expect at least one-half of the present revenue of the Erie canal. The most sanguine amongst us will come far short of what will be the augmentation of commerce in the next twenty-five years, aye, even in the next ten years, and superior as our canals are to any other; yet, Sir, they are a series of mistakes. DeWitt Clinton was thought mad, when he commenced the Erie canal. He was deemed visionary and was laughed at, when he confidently placed his figures before the public as to the future trade of the West. Well, three years after the opening of the Erie canal proved all his most sanguine ideas utter failures, the reality having far exceeded the prediction. The hon. member for Linco[1]n, thought he was doing all that was required, when he made the Welland Canal lock 22 feet. The British government commenced the Grenville Canal with locks of 10 feet, and finished it with some of the locks 30 feet. The Rideau Canal was begun with locks of 24 feet, and these were torn up, and locks of 30 feet made instead. The Welland Canal has now locks of 26 feet,³¹ and locks also of 45 feet. The St. Lawrence Canal has locks of 55 feet, and the Beauharnois Canal and Lachine locks of 45 feet. When the proposed Canal into Lake Champlain is made, I trust the locks will be made, sufficiently large for the future trade, for it is my conviction that the time is not very distant, when it will be the interest of this country to alter to an uniform size the whole of the locks on the line of our Canal navigation from the ocean to the Lakes. The tendency is that steam power will be almost entirely used in our interior navigation, and freights and tolls will

depend on the size of the vessel which again will depend on the capacity of the Canal. At the present time our public works in one sense are failures, we lose about £200,000³² per annum, which we have to collect in duties on imports. Should this canal be pushed forward at once, I believe future receipts will warrant future improvements. In my opinion, Sir, it is the duty of a government, as an object of the first moment, to give every facility to transportation. Look at the effects produced by the Welland Canal, before that work was finished; the freight of a barrel of flour from Lake Erie to Montreal was nine shillings, now the same work can be done for one shilling and three pence, and in one-fifth of the time. The annual labour of the country, Sir, is its wealth and this saving in freight, has added wonderfully to that annual wealth all savings in freight do. Every penny that can be saved by giving increased facilities of transport from the place of production to the consuming market, just adds to the value of the articles produced, and in all this none are so much interested as the great bulk of the people and the farmers of Canada. Again, sir, we talk of differential duties by the St. Lawrence. The scheme is impracticable even if it were just. Upper Canada would not submit to it, neither should they. I am a merchant and have had to encounter no little odium, for the course I have taken in the commercial policy of [t]he country. I believe that Montreal interests will be best promoted by securing the general interest, and although I may differ with the majority of my mercantile friends in Montreal, yet I will yield to none of them in the desire to promote what I conceive to be the best interests of that city. Yes, Sir, I am in favour of the St. Lawrence route, and I believe, that with unrestricted freedom it will be found to be the best route to the ocean, but to be this it must be free. By the course we are pursuing, we are forcing Upper Canada to ship at American ports, while this is their natural market. Look at the St. Lawrence, with only one light house between the coast of Labrador and Quebec, on the north shore; yes, Sir, only one light for 800 miles--and this too, while the whole coast of the United States is lit up like a street. Upper Canadians are equally interested with Lower Canadians in this. What is the consequence of our neglect. Our Insurances are much higher in the St. Lawrence than to New York, when I believe it can be made as safe a navigation as theirs is.--The construction of the Canal into Lake Champlain is therefore the basis by which to collect revenue, to free imports by the St. Lawrence, and I trust that both the members from the Eastern and Western divisions of the Province will give it a warm support.³³

MR. INSP. GEN. HINCKS said that if it were possible for arguments to induce the House to adopt a certain policy those of the hon. member for Montreal would have that effect. In some of his remarks however, he (Mr. Hincks) could not agree with him. He has stated that our whole canal policy has been a series of blunders. He has stated that the locks on the Welland canal are an impediment to trade.³⁴

MR. YOUNG explained that he meant with reference to the size of other locks below them which would admit vessels of a large size.³⁵

MR. INSP. GEN. HINCKS.--He understood completely, and³⁶ it was perfectly well known, that in the surveys which had been instituted at the instance of the hon. member himself,³⁷ for a canal at Sault St. Marie,³⁸ the locks were on a much larger scale than any in this country, and that they were adopted because, for the navigation west of Buffalo, locks of a much larger size are necessary from the larger size of the vessels employed between Buffalo and the far west. Even now a canal is projected between Lakes Erie and Ontario, on the American side of the river, and will not the locks on that be on the same magnitude as what were proposed by the hon. gentleman between Lake Superior and Lake Huron. This proposition is not by any means a new one, and now it will be necessary to

have locks on the Welland Canal larger than any we now have. It is therefore necessary to exercise a great deal of caution before constructing a new work in order that, when it is done it may be done on a scale that it will not be necessary hereafter to change. But there are many other reasons which should induce the Government to be very cautious³⁹ [about] rushing into this work.⁴⁰ In the first place this canal should be made simultaneously with a work of the same magnitude between Lake Champlain and the navigable waters of the Hudson River⁴¹ from Whitehall to Albany.⁴² He did not think that it would be prudent to go on with this work without first knowing something of what was to be done on the other side, and with reference to this it was an extraordinary thing that in the last report of the canal commissioners of the State of New York it was said that if this canal were made the locks should be of the same size as those proposed to be made on the Erie Canal. He was not prepared to say that the State of New York would undertake a work that would compete with the Erie Canal. All these things took time, and allowance must be made for the state of public opinion. Even when the Welland Canal, which had immortalised his hon. friend, the member for Lincoln, was commenced, it required a great deal of perseverance to carry it on, and the members from the eastern section of the Province were, by no means, inclined to vote the necessary sums.⁴³ Then it must be remembered that in order to carry breadstuffs through from Chicago to Champlain without transshipment, the large vessels of Lake Erie must be able to pass through the Welland, which at present they could not do.⁴⁴ There was another reason why he thought they ought to pause. He was generally supposed to hold extravagant views on the subject of railways, but before undertaking any new works of this kind he wished to see what bearing, the railroads now contemplated, would have upon the country, and upon the public works in operation. He knew that the hon. member for Lincoln, and for Montreal, ridiculed the idea of a great deal of freight being carried by railroads, but at present there is a great deal of business to be done by railroads. He did think that hon. members ought not to be so impatient⁴⁵, though he did not mean to say anything against those discussions, and though he believed that much of the feeling against the project was mere prejudice. It was clear that it could do the Lower St. Lawrence no good to allow produce to continue going through the Erie Canal instead of passing by a route more truly Canadian than that. The only question was whether we could divert that trade to a more truly Canadian route?⁴⁶ The Government had no intention of opposing the resolutions before the House, but he was free to admit that there was a great deal of prejudice against the work in question. No policy that they could adopt would prevent the markets of the west being at New York and Boston, and it is for that trade we are trying.⁴⁷ In conclusion he thought no one could object to affirm the resolutions of the hon. member for Lincoln, which must, he believed, do good, by directing attention to the subject.⁴⁸

MR. CARTIER said that this was not the first time that this matter had been discussed⁴⁹. [It] had already been well discussed, when in 1849 a company was incorporated to construct the canal.⁵⁰ He had always been in favour of this canal, and he did not think that it could be attended with any injurious effects either to Upper Canada or to the county or city of Quebec. There had, however, been some difference of opinion as to where the canal should be located. He would refer the Committee to the Act incorporating the Company to make that canal, and he objected to the resolutions before the House because the points of departure were not properly defined⁵¹. He had already entertained an opinion that there should be no restriction on the locality of the entrance of the canal to Caughnawaga. He therefore opposed the form of the present resolution, because it seemed to him though not in words, yet by necessary implication, that the

locality of the entrance of the St. Lawrence was limited ... and that nothing was said to show that the Eastern trade was to be considered as well as the Western.⁵² The resolutions indirectly imply that the point of arrival is on Lake Champlain, none of which is in our territory, whereas it should be on the River Richelieu. He quite agreed with the arguments of the hon. member for Montreal and the hon. member for Lincoln as to the effect that the construction of this canal would have on the commerce of the country. Another thing should not be lost sight of, which was this--that the construction of the Ogdensburgh Railroad had so largely entered into competition with the Oswego and Erie Canals, that the Legislature of the State of New York had taxed that railroad⁵³ to protect the canal revenue, and the competition through Canada would be severe, and free from the possibility of this taxation. Another reason why the Richelieu should be mentioned as a possible point of arrival, was to escape from this Yankee legislation.⁵⁴

MR. MERRITT had no objection to make this amendment.⁵⁵

MR. CARTIER continued: That he also disapproved of the resolution for taking into account except of the Western trade.⁵⁶ He thought the canal should be made large enough to admit sea-going vessels and should not therefore be made above Montreal,⁵⁷ at Caughnawaga,⁵⁸ as the Lachine Canal was not large enough to admit sea-going vessels.⁵⁹ [Besides] this the route [*sic*] from opposite the City of Montreal was nine miles shorter than from Caughnawaga. The former route too, would be most convenient for vessels loading upwards. Why then, while making the canal, not make it in such a position as to render it convenient for vessels using the canal to come to the great city of Montreal [*sic*]--for Montreal was a great city and, would be greater when steam was brought into the trade, and insurance lowered as they ought to be⁶⁰. Montreal was and must be the great centre of commerce of Canada, and it should be the interest of Upper Canada to trade with Montreal rather than with the Atlantic cities. He thought the establishment of ocean steamers between Quebec and Liverpool would have the effect of doing away with the prejudices that existed against the navigation of the Gulf of the St. Lawrence, which was by no means so dangerous as the Gulf of Mexico.⁶¹ He repeated that the entrance of the canal ought to be opposite Montreal for the sake of the fishery trade and the lumber trade. For this reason he would vote against this resolution.⁶²

MR. BADGLEY would see little advantage to our own vessels by making the canal, ... [unless] the restriction on Canadian vessels were withdrawn. This canal then was to be built for American purposes, chiefly, and the question was whether⁶³ these advantages would pay the expense attending it, and that point he thought the opening remarks of his hon. colleague from Montreal, had fully settled.⁶⁴ He thought ... the hon. member ... had shown that a large part of the trade of the Ogdensburg [*sic*] Road and the other American routes, could, by this trade ... [be] brought through Canadian waters. He also thought the word of the resolution should be as general as possible and not limited as the hon. member for Verchères desired.⁶⁵ When a bill was introduced [*sic*] for the formation of this canal, it would be time enough to settle the points of arrival and departure; though the hon. member for Verchères was quite correct in what he said about the necessity of the point of departure being above Montreal. He thought that the construction of this canal would interfere with the communication of the St. Lawrence below Quebec, but notwithstanding this, by making the canal, a large share of the trade would be obtained, and it should be done.⁶⁶

MR. AT. GEN. DRUMMOND looked on this question as an international one, and would be slow to make this canal unless the New Yorkers would enlarge the north-

ern Canal; but that he thought the interests of New York City would induce her to do. He therefore did not wish to vote for giving any money immediately, and did not wish [sic] to fix the locality of the Canal. But he did not think there was any such restriction in the bill.⁶⁷

MR. YOUNG.--The honorable Attorney General could not have been present when it was stated that the resolutions before the Committee did not point to any particular place as a point of departure from the St. Lawrence, but as my name had been referred to as an advocate of a point of departure above the Lachine Rapids, it was perhaps well to state that the Engineer who surveyed the route, recommended Caughnawaga [sic], as the point of departure, and so far as the facts have come before me, I agree with him. I am, however, not wedded to any particular route. I want the best route for the interests of the country. What are the facts? Lake Champlain is 29 feet higher than the St. Lawrence at Caughnawaga--Montreal is 46 feet 3 inches below Caughnawaga, so that if the Canal was built opposite Montreal a vessel going from the West to the East would have to descend 46 feet 3 inches, and rise up 46 feet 3 inches, and 29 ft. to get into Lake Champlain, or lock 122 feet instead of 29 feet; this is very important and would go far to destroy the whole value of the Canal. Again it must be borne in mind, that the people in the extensive valley of the Ottawa are deeply interested in this. The exports to the South from that region are now very extensive, and are annually increasing. The construction of the proposed Canal would afford the best route to Lake Champlain, but if the Canal was placed below the Lachine rapids--it is estimated by experienced parties that the transport of square timber, through the Canal from the Ottawa, would cost one half-penny per foot more than if placed above the Lachine rapids. The cost of transport of other articles would also be increased so that ... to the extent which the Canal may be placed wrong--just to that extent will Tolls or profit to the country be lost.⁶⁸

DR. LATERRIERE ... [made] some remarks⁶⁹.

MR. SICOTTE opposed the motion because he thought all the uncertainty about the proper locality for the canal showed that it ought not to be taken up now for a mere theoretic vote. Legislatures ought not to deal in mere theory.⁷⁰

MR. DUBORD opposed the construction of a canal like that in question, with its St. Lawrence entrance at Caughnawaga, because he conceived that would be very inconvenient for the trade of the Eastern part of Lower Canada. He also would have preferred to make use if possible of the existing Chambly Canal. But as it seemed that would not be done, he should be ready to vote for this one, for the trade in all sorts of agricultural produce between Lower Canada and the United States had now assumed a very considerable degree of importance.⁷¹

MR. MERRITT.--Canada possessed the greatest water communication in the world, and its treasure could not be approached--he did not care one straw whether the Americans made the ship canal or not. Were they disposed to give away the advantages that nature has placed in their possession--they were then paying a tribute of \$350,000 a-year for tolls upon the Erie Canal. If they would act as he proposed, they would get that revenue of from four to five millions of dollars per year, and why should the government then not commence the canal. The object of doing that was, that they might get a chance of that immense revenue. It was an impossibility for railroads to compete with canals, and as this was a national object, he hoped, that without further delay they would commence the canal.⁷²

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Polette

reported, That the Committee had come to several Resolutions; which were read, as follow:--

1. Resolved, That from the proximity of Lake Champlain to the Rivers Hudson and St. Lawrence, the trifling elevation of the summits which divide them, and the natural advantages the great chain of Lakes and Rivers leading into the interior possess, the construction of a Canal to connect the St. Lawrence with the River Richelieu or Lake Champlain, of sufficient dimensions to admit the largest class of Steamers from Lake Ontario to Whitehall, would materially cheapen the rates of transportation between Lake Erie and New York, regain the Trade of the West through its natural channel the St. Lawrence, and increase the Revenue from Tolls on all our leading Public Works.

2. Resolved, That an humble Address be presented to His Excellency the Governor General, to communicate the preceding Resolution, and to recommend the subject thereof to the attentive consideration of His Excellency.

The Honorable Mr. Merritt moved, seconded by the Honorable Mr. Young, and

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the Question being put, That the said Resolutions be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brown, Cameron, Cartier, Chabot, Chapais, Christie of WENTWORTH, Clapham, Attorney General Drummond, Fortier, Gamble, Hartman, Lacoste, Langton, LeBlanc, Lyon, McDonald of CORNWALL, Macdonald of KINGSTON, Mattice, McDougall, Merritt, Mongenais, Morin, Paige, Polette, Poulin, Attorney General Richards, Sanborn, Terrill, Valois, Varin, Viger, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(37.)⁷³

NAYS.

Messieurs Fournier, Gouin, LaTerrière, Laurin, Marchildon, and Sicotte.
--(6.)

So it was resolved in the Affirmative.

And the said Resolutions were read a second time, and agreed to.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to incorporate the Montreal and Bytown Railway Company," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have passed a Bill, intituled, "An Act to explain and amend the Act, intituled, 'An Act to establish a Consolidated Municipal Loan Fund in Upper Canada,'" to which they desire the concurrence of this House.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act to explain and amend the Act, intituled, 'An Act to establish a Consolidated Municipal Loan Fund in Upper Canada,'" was read the first time.

On motion of the Honorable Mr. Attorney General Richards, seconded by the Honorable Mr. Hincks,

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for taking into consideration the Reasons of absence of such Members as were not present at the call of the House, on the first day of March last, being read;

Ordered, That the said Order of the day be postponed until Wednesday the twenty-seventh day of April instant.

The Order of the day for the second reading of the Bill to increase the Jurisdiction of the Division Courts of Upper Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, being read;

Ordered, That the said Order be discharged.

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The Order of the day for the second reading of the Bill to provide for the more speedy Distribution of the Statutes, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to repeal such Clauses of the Common School Acts of Upper Canada as authorize the establishment of Sectarian Schools endowed with the public money, being read;

Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the second reading of the Bill to abolish the Rectories, being read;⁷⁴

MR. BROWN rose to move the second reading of his Bill to abolish the Rectories. He said: Mr. Speaker, the Bill which I am about to move and which shall be now read a second time, proposes to settle forever a question which has long agitated the public mind and which has engaged the attention of this House on many occasions. I know all the difficulties to be met in bringing it before the House. It touches the question of Church property--it rouses the fears of Lower Canadian Roman Catholics--it threatens danger to political combinations--it brings up a subject which "the powers that be" would gladly see sent to rest forever, they care not how, so that they may never be troubled with it again. But, Sir, the repugnance of hon. gentlemen to touch the question does not make the principle involved in it one whit the less--and I think I can show that no greater public injustice could have been perpetrated than the erection of the celebrated 57 Rectories--that no clearer case could be made out for any reform than for their abolition--that on no question has the public mind of Upper Canada been more clearly or more forcibly expressed--and that the remedy proposed by my Bill is not only almost unanimously demanded by the Reform party, but is based on sound constitutional and legal principles. It will be necessary in order to bring the matter fairly before the House, to recur to matters many years back, but I shall endeavour to run over the historical part of my argument as briefly as possible, and make my remarks as practical as I can. Hon. gentlemen are aware that the Rectories of Upper Canada, which have created so much discussion, took their origin from the well known Constitutional Act of 1791. But it is important to notice that the Rectories were not established by any Provincial authority--that the Provincial Parliament never authorized them in any shape. The machinery for their erection emanated from the Imperial Government; but their pactical [*sic*] introduction into the country, neither the Imperial nor the Provincial Legislature ever authorized. When this country came into the possession of Great Britain in 1763 French institutions were of course in operation. But as immigration progressed and the British population increased it became necessary to form a new constitution for the country that [was] rising in the West. The Imperial Act of 1791 was passed to effect this. By its provisions the Province was divided into Upper and Lower Canada, and the machinery of civil government was given to each section. The population of Upper Canada at that time was under 10,000, scattered over a wide

space and no consultation was had with them as to the character of their institutions. In fact, [a] constitution was created for a people yet to arise. The Imperial Parliament provided for the future necessities of the Upper Canadians according to their own views; they gave us a Legislature and Law Court, and a school fund and other institutions. Among the rest, the statesmen of those days seem to have thought that we might at some future day desire an established church--but they did not declare by their Act that there should be one--they did not erect one--they merely provided the machinery for its future erection should the people themselves so desire in future times. They inserted four clauses in the constitutional Act on the subject of Rectories. The first clause gave the Governor power by proclamation to divide the country into Rectorial districts; the second gave him power to set aside land from the public domain by an instrument under the great seal for the support of the Rectors; and the third clause empowered the Governor to appoint clergymen of the Church of England to the incumbency of the said Rectories. But the framers of the Act evidently felt the danger of forcing such a system on an unwilling people; and they therefore provided by a fourth clause, that if these three clauses should ever be acted on, and if at any future time the people of Canada become dissatisfied with the Rectories established under them, the Provincial Parliament should have power to abolish them by statute. The 41st clause of the act of 1791, expressly declares that all the provisions of the previous clauses, "respecting the constituting, erecting and endowing Parsonages or Rectories within the said Provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose, contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty." The only restriction on this power was that when any provincial act passed on the subject an intimation of the fact must be laid for thirty days on the tables of the two houses of the Imperial Parliament, ere the Royal assent could be given. Now, Mr. Speaker, it is a remarkable fact that this portion of the constitutional act was a dead letter for nearly fifty years. From 1791 to 1835 no notion was taken upon it, notwithstanding that a high church Government was in power in England, and a high church Government was in power in Canada--so strong was the feeling of the people against anything like a state church, that the attempt dared not be made to enforce the Imperial Statute. It was not until 1835, under the reigns [sic] of Sir John Colborne, that courage enough was mustered to make the attempt; and ever Sir John Colborne could not face the indignation which he knew his act would arouse. Immediately before he left Canada, to return to Great Britain, he had the documents quietly prepared, establishing 57 rectories under the act, and when he reached New York, and got on board ship, and not till then, the cowardly act was promulgated. When the facts became known in Upper Canada, the greatest excitement was created, a strong expression of dissatisfaction was sent to the Home Government, in regard to it, and petitions were numerous signed calling on the Imperial authorities to revoke the whole proceedings. The Colonial Secretary at once repudiated all participation in the act of Sir John Colborne, and declared that the English Ministry had no knowledge of it. The matter was therefore referred to the Imperial Law Officers of the Crown to decide on the legality of Sir John's proceedings, and these functionaries gave formal decision on 8th June, 1837. They declared firstly, "That the Lieutenant Governor, with the advice of the Executive Council, could not lawfully constitute and erect or endow any Parsonage or Rectory within the Province, without the further signification of Her Majesty's pleasure;" secondly, "That Lord Ripon's despatch of the 5th of April, 1832, (on which the step proceeded,) cannot be regarded as

signifying His Majesty's pleasure for the erection of parsonages, or for the endowment of them, or for either of those purposes;" thirdly, "That the erection of the fifty-seven Rectories by Sir John Colborne, are not lawful and valid acts." Great was the satisfaction in Upper Canada, when this opinion came out, but there was one gentleman who was not satisfied with it. Dr. Strachan, then Archdeacon of York, immediately set out for England, and by using the influence at his command succeeded in stopping all action on the opinion of the Law Officers,--nay, in obtaining a counter legal opinion on the very same points. The rebellion followed almost immediately after, and Lord Sydenham has told us in his report that the 57 Rectories affair was the "chief predisposing cause of the recent insurrections, and is an abiding and unabating cause of discontent." The rebellion made the Rectory question a disagreeable subject for some years after.⁷⁵

Hear, hear, from the Conservative side of the House.⁷⁶

MR. BROWN [continued:] But the determination to have redress in regard to it was not the less strong in the minds of the Liberal party--the great object was to secure the establishment of Responsible Government, under the full conviction that Rectory and all other measures of reform would be obtained through the operation of that system of Government. Nothing could be more opposed to the feelings of the great mass of the people than the Act of Sir John Colborne. Twenty-three thousand acres of the richest land in Upper Canada was taken from the public domain, and given for the aggrandizement of a sect, with which only a small part of the people sympathised; and the dominant position deduced from the division of the country into Rectories aroused bitter hostilities from the members of all other churches. The Reform party were loud in their denunciations of the monstrous injustice which had been practised--the 57 Rectories were a leading card at all elections, and political gatherings--and when the party should obtain power, under the operation of Responsible Government, it was held as a matter of course that they would be speedily done away for ever. After the triumphant success of the Liberals at the polls in 1848, the question arose, how are the Rectories to be abolished? When we spoke of abolishing them by statute, we were met by the gentlemen opposite and their friends with the cry of "vested rights" and the sacredness of Patents. "Oh," they said, "this Rectory question is very different from the Reserves--the Reserves rest on an Act of Parliament--for the Rectory lands we have Patents, regular grants from the Crown to the Church!" Now, Mr. Speaker, I am free to admit that there was something in this plea to make prudent men halt, and inquire into the truth of the allegation; had the Rectory lands really been deeded away by the Crown as represented, it might have been a dangerous precedent to destroy them by Act of Parliament. Titles of individuals to real estate have been always held sacred--and I trust it will be ever so in Canada. But this difficulty was entirely removed in the spring of 1851, when, for the first time we obtained access to a copy of one of these so-called "Patents."⁷⁷

MR. AT. GEN. RICHARDS: Is not the hon. gentleman aware that these Patents could at any time have been seen at the Provincial Registrar's Office--that they are all filed there?⁷⁸

MR. BROWN.--No, I was not aware of it, and it is strange if such is the case, that we should have tried in vain to get a copy for years in Upper Canada, and never heard such a suggestion. In the spring of 1851 a copy was for the first time published in the public prints, and then it appeared that what had been represented as Patents, and clothed with all the sanctity of private rights, were no Patents at all, and established more clearly than ever before, that the lands were merely set aside for a public purpose, and devoted to that purpose

and no other. What is a land Patent? It is a document given by the Crown, transferring to an individual or individuals the full right and ownership of the land it conveys--divesting the Crown of all title and interest in the land, handing it over for the sole use and benefit of the patentees and their heirs and successors for ever. Now, were the Rectory deeds such patents as these? Not at all. The Governor by the constitutional act was entitled under certain restrictions, to create Rectories as a public institution, and to set aside land for their support, and Sir John Colborne did so. But did the documents setting aside the land, make them over to any one? give any personal or corporate right to any man, or set of men? Far from it--these so-called Patents merely recited that Sir John Colborne being empowered to erect Rectories by the act of 1791, and to set aside land for their maintenance, did thereby set aside Lot No. 1, in such a concession of such a township--to whom? To the Rector? No! To the Bishop? No! To the Church of England? Not at all. Simply, "to be appurtenant to the said Rectory." I quite admit, sir, that if these Rectory lands had been granted to the Rector by name, and his heirs or successors--if the fee simple had passed away from the public to him, it would have been a very strong and dangerous measure to take it from him. But, the true state of the case is very different from this. The land was merely set aside from the waste lands of the Province to a certain public use, instead of being held for the general public use, precisely as we have Common School lands, and Grammar school lands, and University lands now set aside.⁷⁹ The rectories were to be the moral police of the state, and were to be supported by this land.⁸⁰ Does any one aver that we could not withdraw the School funds from their present use? How would we regard the teachers now enjoying the benefit of any of these funds, who should come here and say, "you can't take away these lands--they belong to the teachers!" But in what respect do the teachers and rectors differ as to personal title to the law from which they are supported? I confess I can see no difference whatever. The constitutional Act declared that the lands must be set aside by an instrument under the Great Seal--and therefore such instruments were made--they were part and parcel of the Act--without them the Act could not be carried out--without the Act, they had no virtue whatever.⁸¹ When this was discovered, the course was quite clear. The patents lived by the act, which would be repealed⁸². In the session of 1851, the hon. member for Niagara, then representing the second Riding of York, took this view: he said, "if the Act is repealed, the Patents will have no force." And he introduced an Act to repeal the four Rectory clauses of the constitutional Act. When his bill came up for discussion the hon. John Hillyard Cameron protested against the bill as destructive of "vested rights." "How so?" asked the hon. member for Niagara,--"I merely repeal the 38th, 39th and 40th clauses of the Act [of] 1791, which the 41st clause gives us power to do.--You do not deny that we have such power?" "No," replied Mr. Cameron, "I do not deny your power to repeal these clauses--but if you do it, the lands will be thereby taken from the Church of England." Now that was precisely what my hon. friend intended by his Act--to destroy the Rectorial powers and restore the lands to the people. The effect of his measure would have been simply this: As long as the Rectors lived they would have held and enjoyed the Rectory lands. But as they died out, the Act of 1791 having been repealed there would have been no power in the Governor or anybody else to appoint successors, and the lands would have reverted to the Crown. The Patents, as they are called, would have been untouched, but their effect would have been nil. Now, Mr. Speaker, it was certain to have been expected that so moderate and so constitutional a measure as this, would have been zealously supported by the Reform party, but unfortunately the alliance with Lower Canada stood in the way--new combinations were being formed--in the struggle for political power, principles and feelings long professed were for-

gotten, and the hon. Inspector General (who with his colleague the Commissioner of Crown Lands, I regret to see absent from his place) came forward as the champion of the ... claims of the Church of England, and resisted the bill. An understanding was arrived at between certain gentlemen on both sides of the House, and the bill was referred to a committee consisting of Messrs. Baldwin, J.H. Cameron, John Wilson, Smith of Durham and Morrison. This Committee destroyed the bill of the hon. member for Niagara and brought in another of a totally different character. I now hold in my hand a copy of that bill, and I hesitate not to say that it is one of the most extraordinary ever passed by a Reform Parliament. It repealed the Rectory clauses of the Constitutional Act, but in order to prevent the result from it which the Reform party had ever been contending for--namely, the restoration of the lands to the people--it transferred the power of filling up vacancies in any of the Rectories from the Crown to the Church Society of Toronto! The committee at the same time reported an address to the Crown, praying that a lawsuit might be instituted to inquire into the legality of the Rectory Patents and declaring that the decision of the Law Courts should be final. Parliament sanctioned these extraordinary proceedings and they coupled with it, the most singular agreement that sane men ever assented to. They ordered the lawsuit to be commenced against the Rectors for the recovery of the lands taken by fraud from the public domain--but they agreed, before commencing it, that the Rectors should be provided with money from the public chest to defend the suit! They agreed to give the enemy the means of carrying on the war against themselves. They agreed that the people of Canada should pay the costs of this ridiculous lawsuit whoever won it or whoever lost it! This suit (monstrous as it must appear) is now being carried on in the Canadian Courts, after running the gauntlet through them--it is to be carried to England for the benefit of the courts there and finally decided by the Privy Council. The property at stake cannot be worth less than £200,000 and any one can imagine how stoutly the battle will be fought while the people of Canada continue to pay the costs on both sides! Had a Tory Government instituted such a scheme--were a Tory Government now carrying on such a scheme, we Reformers would have denounced it without mercy and make the country ring with it from Sandwich to Glengarry. But as it is a miserable political expedient of a combination Reform Ministry we are all as silent about it as if no such absurdity were being perpetrated. Mr. Speaker, the object of my bill is to put an end to this most ridiculous of law suits, to declare the true meaning of the Rectory Patents, and to restore the lands to the public on the death or resignation of the present incumbents. The outrageous absurdity of carrying on an expensive law suit to find whether the Patents were or were not legally issued, is obvious. What signifies it whether they were legal or illegal, when we have the power to abolish them by a single line of an Act of Parliament? We have that power by the 41st clause of the Act of 1791--it was always intended we should have that power. The Rectories were established and the lands set aside under the condition that we should have that power. I have no doubt that Sir John Colborne's proceedings in the matter were illegal: I have no doubt that he acted without the assent of the Crown, and that without its special consent and instruction he had no power to erect one Rectory. But I will not consent to waste time and money in testing such a point--wandering in the endless maze of the Chancery Courts--when by law and equity I have the power to abolish the whole evil at once and forever, by Act of Parliament. I do say that if we allow this suit to go on, we are not only spending public money improperly, but transferring to the Judges that which it was our provision to decide. And who can tell the decision which the English Judges may arrive at? In England there is an established church with great power and influence--the Judges look on ecclesiastical matters in a different light from what we do--and we know that on this very question the

first lawyers of England gave first a decision one way, and then another decision in the very opposite way. What their third decision may be who can tell? I have shown that the Provincial Parliament has the power to settle the matter; that it was always intended we should have that power. But I now call the attention of hon. members to the fact that we have exercised that power. (Hear, hear.) The very men who protest against not meddling with the Rectory lands by statute, have done so themselves. Five years ago, a bill was passed through Parliament and became law, to authorize the sale of a portion of the London Rectory. In 1851, a bill passed to authorize the sale of a portion of the Peterboro' Rectory; and this very session a petition with the signature of the Church of England Bishop of Toronto attached to it, has been laid before us, asking us to pass a bill authorizing the sale of part of the Warwick Rectory.⁸³

MR. LANGTON.--The Peterboro' Rectory Bill did not pass.⁸⁴

MR. BROWN.--The hon. gentleman is quite correct. I forgot that it only passed this House and was thrown out by the Legislative Council. Now, Sir, if we have power to sell a part of the Rectory lands, we have power to sell all. If no individual or body of individuals has power to convey more than a life interest, we touch no private right in any way when we legislate as to the appropriation of the lands after that life interest ceases. My bill provides that the Rectors now in possession of the lands may hold possession during their personal incumbency, but that as each Rector dies out, the land shall revert to the Common school fund: it also provides that in cases where Churches or Parsonages have been erected with private funds on any of the Rectory Glebes, a quantity of land not exceeding five acres shall be given by the crown to the parties in whom the Church or Parsonage is vested. Now, Sir, there may be hon. members who object--to one or more of the details of my bill--they may say that to give a life interest to the Rectors is going too far, and that a limited number of years' possession would be sufficient, and they may possibly devise other provisions or protections to be put in the bill. To such hon. gentlemen I wish to say that I am in no degree wedded to the details of my bill--that all I desire is to stop the law suit, and restore the lands to the people; and that I am perfectly willing to adopt any mode of effecting these ends which may be suggested and found better than mine, when we go into Committee. Before sitting down I have also one other remark to make. We have been often told that the gentlemen from Lower Canada who usually act with the Reformers of Upper Canada have never deserted them--that when they know the mind of the Reform party of Upper Canada, they always vote with them. Now, sir, this Rectory question is a fair test of the truth of this proposition--for if there is one question on which a clear expression of the Reform mind of Upper Canada has been obtained, it is on this. The Rectory bill was passed in August, 1851--the general election was in December, 1851--the character of the measure was fresh in the public mind, and at every poll, the views of the electors were declared upon it. I hold in my hand a bundle of county platforms, declarations of public meetings and speeches of Reform candidates, and on every one of them I find as a foremost principle of action--"THE ABOLITION OF THE RECTORIES." There was a day when hon. gentlemen tried to shuffle out of this pledge by the declaration that it only extended to the abolition of the Rectorial power--that it had no reference to the Rectory lands--but now, sir, this sham will not avail. The Rectorial powers were all abolished by the Act of August, 1851, and at the time these declarations were made, there was nothing left to abolish, but the lands. Let hon. members from Lower Canada perfectly understand that there is hardly a Reformer from Upper Canada now on the floor of this House who is not pledged to the measure before the House, or to one similar. In the Requisition to the hon. Commissioner of Crown Lands (Dr. Rolph) from the Third Riding of York,

which is signed by the leading Reformers of that County, he was invited to stand for the County, only on the condition that he will support "The abolition of the Rectories." In the Galt platform, the 2nd clause was "The immediate abolition of the Rectories." The Lanark County Convention declared unanimously in favour of "Abolishing the Rectories." The Oxford County Convention sent a pledge to the Inspector General containing as its 2nd count-- "The abolition of the Rectorial grants." The Lincoln Convention declared for "The abolition of the Rectories by Bill,--saving the claims of present incumbents." The Reformers of Port Sarnia at a public meeting, went for "The abolition of the Rectories." The Reformers of Esquesing issued a manifesto-- "Declaring firmly on the Rectory question." The Welland County Convention made the second item of their pledge--"The abolition of the Rectories." The Markham Convention declared for--"the abolition of the Rectories." The Dumfries Reformers on motion of one Mr. David Christie, resolved to extract from each candidate an unequivocal pledge for the "Abolition of the Rectories, whether the patents be legal or not." The Halton County Convention made the hon. member for that County, while yet a candidate, sign a written pledge for the "Abolition of the Rectories."⁸⁵

MR. WHITE.--That is not your bill. I will never vote for such a bill as yours.⁸⁶

MR. BROWN.--Ah! Perhaps the hon. gentleman will explain to us what sort of a bill would please his fancy.⁸⁷

MR. WHITE.--I understand that those in possession, under your bill, are to occupy the lands during their lives. Now, I wish to go further than that (laughter)--they should not have them a day. (Hear, hear.)⁸⁸

MR. BROWN.--Ah, that is the idea! Well, the hon. gentleman cannot escape voting for my bill on that plea--the term of possession will be a matter for discussion and decision when we go into Committee. I must say, however, that in my opinion, innocent parties fairly in possession under colour of legal authority should hardly be treated in the merciless manner of the member for Halton.⁸⁹

MR. WHITE.--And the bill gives five acres to the Church of England out of every Rectory--will you expunge that?⁹⁰

MR. BROWN.--It gives not exceeding five acres of the land on which a Church or a Parsonage has been built with the money of the Church or of individuals. Would the hon. gentleman confiscate the property which has been placed on the Rectory lands by private individuals, or by the Church out of its own funds? Land for sites has been given to almost every Church in Upper Canada--aye, at this moment an Act is in force giving the Commissioner of Crown Lands power to give any Church ten acres, and very freely he exercises the power. Is the Church of England alone to be excepted from this rule? or does the hon. gentleman desire to confiscate the whole of them? I cannot sympathise with the ferocity of some hon. gentlemen when they gain courage for once to show themselves on the right track--especially when that ferocity is made the plea of voting against a bill admittedly in the direction of their views. But to return to the Reform platforms. The Reformers of Norfolk, at a meeting in Townsend, instructed their delegates to vote for no candidate who would not pledge himself to vote for the "abolition of the Rectories." The Darlington Reformers declared for the "abolition of the Rectories." The Wentworth County Convention declared for the "abolition of the Rectories, whether the patents be legal or not!" And so I might go on through all the counties from one end of the Province to the other. In the face of all this, the present Reform Government carry on their ridiculous law suit, and set the opinion of their party at defiance; it remains to

be seen if their supporters dare to maintain them in it. Well I recollect, sir, that at the election contest in Lambton, when in presence of the member for Huron I exposed the facts of this Rectory affair, just as I have done tonight, and charged the present Government with the intention of continuing the law suit--well I recollect, that the hon. gentleman endorsed all my views on the subject, and charged me with falsehood and misrepresentation when I asserted that the Government would not carry out the mode of redress I am now adopting, but would continue the lawsuit. This night will prove which of us spoke the truth to the Electors of Lambton--and they will decide for themselves between the professions of the hon. gentleman before and after his acceptance of the "useless office of President of the Executive Council!" Now, sir, I call on the hon. members from Lower Canada to prove the truth of their oft repeated declarations--if they are really willing to vote with the Reformers of Upper Canada, now is their time to show it. I am not pleading for myself (laughter), I am not a member of the alliance--I do not believe in it--but I am pleading for my dumb friends from the Radical constituencies of Upper Canada. I am saying to their Lower Canadian allies what they would say for themselves, if they could only be prevailed on to take courage and come out of their shells! (Laughter.) Hon. gentlemen will perceive that when anything can be extracted from hon. members on this side of the House, it is precisely of the character I have so often had the honour of explaining to them; they all heard the Radical speech of the member for Halton--almost the first which has come from him since the House opened--and they could not fail to notice that if his votes were like his speeches, how mild and moderate a person I must appear in contrast with him and other hon. gentlemen of his way of thinking. (Laughter.) I do think, sir, there is some hope of this class of hon. gentlemen hereafter--the little ebullition of to-night is a refreshing circumstance--and whether the record of past events which I have passed before the minds of hon. gentlemen had or had not any influence in the matter, let us hope that, the ice once broken, the improvement will go on. This Rectory matter is truly a test question--⁹¹

MR. J.A. MACDONALD.--I thought it was a standing rule of the great Liberal party to abolish all tests! (Laughter.)⁹²

MR. BROWN.--Very true, and I hope the hon. gentleman will see the beauty of the new argument against tests, presented by this very matter. Let him look at the platforms and pledges of last election and compare them with the proceedings of the last eight months, and then let him confess how useless and immoral tests may become.⁹³

Hear, hear, from the opposition.⁹⁴

MR. BROWN: The hon. gentlemen should reflect that but for the strictness of the tests of 1851, and the flagrant breaches of them in 1852 and 1853, some little respect might have continued to be entertained for the declarations of candidates to their constituents at the hustings. For fifteen years, Mr. Speaker, the Reformers of Upper Canada, have agitated the country on this Rectory question, and we have now an opportunity of settling it forever. Our constituents look to us to settle it in the way my bill proposes, and I earnestly call upon the House to respond to their appeal.⁹⁵

MR. FERGUSON rose to second the motion.⁹⁶ [He] would vote for the second reading of the bill in order to allow it to go to committee; but as we understood, he did not pledge himself to support it afterwards.⁹⁷ He was very curious to see how the difference would turn out between those who were in the confidence of his hon. friend from Kent, and those who were not. That hon. member at least was very desirous for the abolition of the Rectories, but the hon. member for Halton thought he did not go far enough; he hoped, however, that that

would not prevent the hon. member from voting for the second reading of the bill.⁹⁸

MR. WHITE said that he did not find any fault with it except that it did not go far enough.⁹⁹

MR. FERGUSSON hoped that the hon. members from Upper Canada would vote for the second reading of this bill. As to the legality or illegality of the patents he did not think that it made any difference. It was either a question of public or private right. If it was a question of private right then it was a question of law, but he believed it was a public question, and should be disposed of by the Legislature. He did not admit a single vested right to the matter beyond that of the present incumbents, and to them justice would be done by this House. This House would always respect the rights of individuals.¹⁰⁰

(689)

Mr. Brown moved, seconded by Mr. Fergusson, and the Question being proposed, That the Bill be now read a second time;

MR. AT. GEN. RICHARDS was certainly surprised at the course taken by the supporters of this bill. If the patents are legal there is no use of any law on the subject, but if they are illegal and the hon. gentleman himself admits that there is some doubt on the subject, it is better to have that decided before going into the question of law. If these patents are illegal, then this bill is more than useless, but if they are not illegal this is not the place to try the question. As to the law suit that had been instituted, it appeared to him to be the most appropriate course that could be adopted to settle a question of right in a manner to please all parties. It would perhaps, not be fitting for him to express any opinion, but it had been said by the highest authorities in England as well as here, that they are not legal. The case is now far advanced, and is about to be brought to a hearing. If the decision was pronounced in favor of their being given up they will be given up without any objection being made. If they were illegal, would it not be much better that that should be decided before a legal tribunal than by this House? It would then be much more likely to be decided with a due regard to all the facts of the case than in this House. But the hon. member for Kent is not satisfied with this, he wishes to make a complex question of it; and to settle the whole Clergy Reserve question at the same time. It is just of a piece with his whole argument in the Clergy Reserve question; he wishes to settle all at once. This might meet the views of the people of Upper Canada, but he has not made out any case why we should declare by bill upon rights which are now the subject of litigation by order of this House. He talks about the injustice of the costs of the action now pending being paid out of the public funds; did he never hear of a friendly suit being instituted to try the legal rights of different contending parties?¹⁰¹

MR. BROWN.--Yes--but never of an agreement beforehand that the costs on both sides should be paid by the winner!¹⁰²

MR. AT. GEN. RICHARDS said, that in such cases they were paid out of the estate the title to which was being tried. Would it be just or right to declare that a person who came here 10 years ago should be called on to decide a question which had been before the country for twenty years, it would be a monstrous proposition, but it is of a piece with many other propositions that the hon. member has brought forward. He then moved in amendment that the bill be read a second time that day 6 months.¹⁰³

(689)

The Honorable Mr. Attorney General Richards moved in amendment to the Ques-

tion, seconded by the Honorable Mr. Morin, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. HARTMAN said, that after the very severe lecture that they had had from the member for Kent, it might be supposed that there was nothing left to say on the question. That hon. member has spoken enough for half a dozen; he is very fond of speaking on behalf of his Reform friends from Upper Canada, but they were not at all anxious to have him speak for them. (Hear, hear.) His votes and theirs did not often accord and he was very sorry for it. In many things, however, they did agree. They agreed that this question should be settled by them, by legislative enactment. He could not see the propriety of the costs of the suit now going on being paid by the country, nor did he think that the matter should have been referred to the law courts, as it was a question within the province of this legislature. The highest opinions in England had been given against the legality of these patents, and this had again been reversed, so that there was not much confidence to be placed in their decisions. The hon. member for Kent had read many things referring to the pledges taken by other members of the Reform party, but he thought it would be very refreshing to him (Mr. B.) if some of the opinions that he had expressed when opposed to them on many questions were read to him; and, when he refreshed their memories he (Mr. H.) should like to refresh his (Mr. B.'s). He should like to know where his (the member for Kent's) bill for the establishment of ecclesiastical incorporations was? He should also like to know where all these other things that he had promised were? He was somewhat puzzled at what the member for Kent had said about tests, but he would admit that as far as any declaration that he (Mr. Brown) had made, it might be as well for him to forget them. With regard to this bill, he should vote for the second reading because the country demanded it of them. He did not agree in all the details of the bill, but the general principle he fully approved of and should vote for it.¹⁰⁴

MR. BROWN replied.¹⁰⁵

MR. D. CHRISTIE (Wentworth) heartily approved of the principle of this bill, and would therefore vote for the second reading. In some of its details he thought it exceptionable, and that it might be amended, but the principle was a sound one. He held that these Rectories were created for the purpose of creating an established church in this country, and it behooved every friend of civil and religious liberty in that House to vote for the principle of the bill.¹⁰⁶ He condemned the existence of the rectories, as that affirmed a vicious and hurtful principle to society.¹⁰⁷ He held that in these Rectories they had the principle of church establishments fully developed. They had a creed recognized by law and they had a state fund, out of which this creed was supported. He did hold that it was not the business of any Government to give the public property of the country for the support of any church. They had no right to bestow the funds of the country on such a purpose, and in doing so they made this a public question, and he held that therefore these Rectories were public property. The same authority which has the right to give assistance in such a manner as this, and to establish these institutions, has also the right when it thinks them injurious to the best interests of the country, to take them away again. He held that the Legislature has a perfect right to abolish these Rectories if it thought proper to do so. He considered that power had been given them by the act¹⁰⁸ to do so, and not merely to repeal grants made to Rectories, but also to alter their tenure, and since an act had been passed taking the patronage out of the hands of the Crown, he inferred that if the Legislature had the right to take away part, it had also a right to take away the whole, and he held furthermore, that that act was an exceedingly impolitic

act, and that the House ought to have gone further and deprived them of the public property. He fancied that the hon. member for Huron, having himself introduced an act for the same purpose as this one, would not vote against it, and he held in his hand the bill which that hon. member introduced in 1850, and he did not see how he could now go back from what he then supported.¹⁰⁹

Hear, from MR. BROWN.¹¹⁰

MR. D. CHRISTIE: He was sorry not to see the hon. member for Niagara in his place, for he held in his hand a bill that he had introduced with the same object.¹¹¹

Hear, and laughter from MR. BROWN.¹¹²

MR. MALLOCH said that was before the suit.¹¹³

MR. D. CHRISTIE.--This is no matter. Whatever way it is decided it will not make any difference. The hon. member went on to say that¹¹⁴ they had only one precedent for the abolition of the Rectories, the act to which he had alluded, but they had a large number of precedents in English history, and he quoted a number of cases in which property granted by the Crown had been resumed by the Parliament. The most important of all these was one in the reign of William the 3rd, which was an act for the resumption of the Irish forfeited estates, shortly after his accession,¹¹⁵ one of the consequences of the revolution of 1688 was the forfeiture of large estates in Ireland belonging to King James and to his adherents. By this forfeiture these estates became vested in William and Mary and they had the undoubted legal and constitutional right to use and dispose of them; but in 1690 or about that time the House of Commons in England passed a Bill and sent it to the Lords; this Bill provided that two-thirds of these estates should be applied to the payment of the public debts leaving only one-third at the disposal of the King. This Bill met with much opposition in the House of Lords and the King who was anxious to go to the continent, promised by message to the House of Commons on 5th January,¹¹⁶ 1691, "That he should not make any grant of the forfeited estate in England or Ireland, until there should be another opportunity of settling that matter in such a manner as should be thought most expedient." But the next session and several succeeding sessions passing over without any Parliamentary revival or even mention of the Bill, the King it is said thought himself at liberty to exercise his prerogative to its full extent by making grants of the whole of the forfeited estates¹¹⁷ to reward some of his favorites in England for services they had rendered him. He granted them property in Ireland amounting to nearly two millions of acres.¹¹⁸ In 1699, the House of Commons took up the subject and tacked to the Land-Tax Bill, a clause appointing seven Commissioners to report on the value of the forfeited estates. During the next Session they resumed the subject, having received the report of the Commissioners, and in answer to their address the King (21st February, 1700) stated that he had granted the estates as a reward for important services in Ireland; but the Commons after publishing the report [of the] Commissioners, again tacked to a Bill granting public aid, clauses annulling all the grants of these estates (with certain specified exceptions) under the Great seal of England or of Ireland or by the Parliament of Ireland, or otherwise, vesting these estates in trustees to be sold, and appropriating the proceeds to public purposes. Offensive as this measure was to the King, he gave his assent to it and [it] became law. At that time Lord Somers was Lord Chancellor [*sic*], and although no doubt in feeling opposed to it as it was passed by the High Church and Tory party who were bitterly hostile to him; however he did not resign and therefore must be considered as acquiescing in it, for, if he had advised the King to withhold his assent and the King had not followed his advice,

he was bound on constitutional principles, to resign. The Act is 11 and 12 William 3, cap. 2, and is entitled "An Act for granting an aid to His Majesty by the sale of the forfeited estates in Ireland and by a land-tax in England for the several purposes therein mentioned." This law was warmly and even violently discussed, and is mentioned by historians as one of the most important public measures of the session. (See Burnett's history of his own time, Belchaire's history of Great Britain, Howell's Medulla, &c.) It must be obvious that there is a close analogy between this case and the Bill to annul the Rectories which is now under consideration. This precedent indeed goes much beyond that measure. The King had promised to do nothing in prejudice of the proposed measures of the Commons, until the next session; but the promises of the Imperial Government in reference to the Rectories were not qualified by any limitation. In the former case the commons neglected to act on the subject for eight or nine years, but the House of Assembly of Upper Canada were not guilty of any such tacit surrender of their claims. The grant of the estates in Ireland, or of a considerable part of them was a reward for important and meritorious services. The grantees had as it were earned them, but the Rectors in Canada had no claim whatever. The King's promises to the Commons related to a measure for appropriating only two-thirds of the estates to the public service, but the law which was passed annulled all grants with specified exceptions. Although the debates on this important measure are not extant, it may be fairly presumed that one reason for the action of the House of Commons was the want of good faith on the part of the king; or at least that the grants having been made contrary to the known wishes of the Commons they ought to be set aside if the public good required it. This constitutes a precedent of the highest authority. It was not passed hastily or inconsiderately; it was not got through by court influence, on the contrary the measure was long and vehemently discussed. The king was strongly opposed to it, and he and his ministers would gladly have availed themselves of any legitimate grounds for defeating it. Such an act is of far greater authority than the speculations or opinions of any individual, and proves that this measure to annul the establishment and endowment of the Rectories, would not be a violation of constitutional principles. Even some of the Lords in dissenting from the measure says [*sic*], "That the Lords admit the resumption of the forfeited [estates] in Ireland, to be a thing necessary by reason of the great debt due to the army, and others which they earnestly desire to see discharged and therefore are willing and desirous to give their consent to any reasonable bill the Commons shall send them for that purpose," (April 11th, 1701.) All parties therefore were in favor of a bill for the resumption of the grants, no one objected to it as being unconstitutional. On the contrary at that day Dr. Davenant, an able writer on commercial and political subjects, argued with great zeal and learning in favor of the measure. He quotes many parliamentary precedents where Royal grants had been set aside, and the lands re-invested in the Crown by Acts of Parliament; he cites the records themselves verbatim, and sums them up as follows:--

- "1st.--A resumption was made by William Rufus,
- 2nd.--A resumption by Henry First,
- 3rd.--A resumption by King Stephen,
- 4th.--A resumption by Henry Second,
- 5th.--A resumption by Richard First,
- 6th.--A resumption by Edward Second,
- 7th.--A resumption by Richard Second,
- 8th.--A resumption by Henry Fourth,
- 9th.--Three resumptions in the reign of Henry Sixth,
- 10th.--Four resumptions in the reign of Edward Fourth,
- 11th.--One general Act and other particular Acts of resumption in the reign of Henry Seventh,

12th.--One Act of resumption by Henry Eighth."

From these records it appears to have been an established practice, from the time of the conquest, to pass acts of Parliament for the resumption of estates granted by the Crown. The act for the resumption of the forfeited estates in Ireland continues the precedents to a period subsequent to the revolution of 1688. As the British Constitution is not a written document, but is to be looked for in great historical and parliamentary precedents, it is clear that an act to annul Crown grants is not unconstitutional. In all the cases cited the reason for parliamentary action was the public good. A law to invalidate a grant which has been made in good faith, and for which the grantee has paid a valuable consideration, would be unjust; but when nothing has been paid, and when the grant has been made confessedly to a public institution, it is neither unconstitutional nor unusual to revoke it by act of parliament, if the public good require it to be done: and especially if the grant had been made in direct violation of good faith and in opposition of the wishes of the people.

This argument is clearly applicable to the establishment of the Rectories. It is said that the measure before us interfered with vested rights. As to the sacredness of vested rights it is sufficient to answer that men are deprived daily without their consent of vested rights, if public justice require it; as upon executions for debt; so when a trustee having a legal vested title, conveys it in violation of his trust to a third person, a Court of Equity will compel such third person, although he has a vested title, to convey it to the person beneficially entitled, unless he can show that he took it innocently, but also paid for it a valuable consideration. The Hon. Attorney General says that judicial is preferable to Parliamentary action, that questions at issue before Courts should be respected by acts of Parliament. Surely there can be nothing wrong in this House changing its course of action by putting an end by an Act of its own to an expensive and needless law-suit instituted by a measure passed by this House. Have we not a right to reverse our own acts, and especially when by doing so we will put an end to a question which has distracted the country since 1836, and save a very large expenditure. But he tells us that those precedents which have been quoted are old. Probably a few from the statute book of Upper Canada will please him better. I refer him to 54 Geo. 3, chap. 9, and 4 Geo. 4, chap. 22, sec. 10.¹¹⁹ Then, he says, that if the patents are legal they are on the same footing with other grants from the Crown, but there is a great distinction to be made, for when private patents are granted it is either for money or for services rendered, and who can say that in this case any service[s] have been rendered.¹²⁰ I do hope this measure will be allowed to pass¹²¹ and go into committee¹²² because it is just, and because it is ardently desired by the great majority of the people of Upper Canada.¹²³ He was certain that the country was in favor of the abolition of the Rectories, even if the decision of the courts should be in favor of maintaining them.¹²⁴

MR. SICOTTE said that his impression was that this question was a part of the Clergy Reserve question, and that it is premature to legislate on it until the bill before the English Parliament is passed. The question is now before the Courts, and in one of the clauses of the bill of 1851 it is said, that the judicial decision shall be obtained before anything more is done. It would therefore be absurd to go on while that action is pending. His opinion on the Clergy Reserve question was already made up, and he was ready to vote on it when it came up.¹²⁵

MR. CAUCHON was of opinion that the Rectories were a property like any other; and if the Courts of law declare that the patents are good and legal, the patentees had a right to keep them. He would never consent to vote for any measure to take them away, or for such a bill as this. It was now before the

Courts, and it would be as well to have the question decided soon, and if the decision is that the patents are good, they are private property, and he would not consent to touch them.¹²⁶

MR. PRES. EX. COUN. CAMERON said that his course on this bill was well understood, and was satisfactory to the Reformers of Kent and Huron. He was astonished that the hon. member for Wentworth had alluded to the bill that he had introduced.¹²⁷

MR. D. CHRISTIE explained, that when he had alluded to the bill, he had not properly understood its nature. He now saw that it was merely to prevent any fresh Rectories [from] being established.¹²⁸

MR. PRES. EX. COUN. CAMERON said, that the hon. member had made a correct explanation. His bill was simply to take away from the Church of England the rights that she had had over others in this country and to prevent any more rectories from being established. He introduced that bill and it has become the law of the land, every part of it has been carried out and is now in operation. The whole question has now, therefore, come down to the land actually held in these rectories. If these patents are legal, and parties are in actual possession, they are to be put out. Since this bill was introduced this suit has been pending, and he certainly did not agree with the Attorney General to the payment of the costs, and at the time the bill was passed he disagreed with the Government that the country should pay the costs, and to that he was always opposed as he could see no justice in it.¹²⁹

MR. BROWN said the hon. member for Huron's explanation no doubt ran very smoothly, but he had forgotten a part of it. He forgot to tell the House that after the bill of 1851 had become law--after the Rectorial powers were all abolished--the hon. gentleman was before his constituents in Huron and gave them a very different view of the matter from what he does now. I hold in my hand, Mr. Speaker, (continued Mr. Brown) an extract from the Bathurst Courier written at the time of the last election for Huron. The article is entitled "Mr. Cameron in Huron," and runs thus:--

"We observe by the Huron Signal that Mr. Cameron is engaged in active canvass of the County of Huron, in opposition to Cayley. On the 25th ultimo he held a meeting at Stratford, and made a full explanation of his political sentiments, avowing himself in favour of--

"1st. Secularizing the Clergy Reserves.

"2. THE ABOLITION OF RECTORIAL GRANTS. (Hear, hear.)

"3. Simplification and codification of the laws.

"4th. Extension of the Franchise and equitable increase of representation based on population.

"5th. No appropriation of public money without legislation."

The Huron Signal was the hon. gentleman's own paper, thoroughly in his confidence--and I am very certain truly reported his sentiments. It will be observed how particular the phraseology is; it is not the abolition of "the Rectorial Powers," not of "the Rectories"--it is directly to the point--"abolition of the Rectorial GRANTS!" And this, months after the Rectorial powers were all abolished. The hon. gentleman must, therefore, find some other mode of working himself out of his unhappy position.¹³⁰

MR. MACKENZIE supported the bill. He proceeded to narrate at length the efforts which the reformers of Upper Canada had made for years to have these rectories abolished, efforts in which he (Mr. M.) had taken a conspicuous part. He would even respect the rights of property, or society could not exist¹³¹. If these Rectories were held by the Church of England in the same

way that they held other property, he should never think of interfering with it, for no country could prosper in which the rights of property were not respected; but in this case matters were very different, and he acted from very different motives. He then went into a long history of the establishment of these Rectories in the first instance, and declared his intention of voting for the bill before the House.¹³² It was not often that he could vote with the hon. member for Kent, but he could in this case. Here the hon. member diverged into a criticism on the career of the hon. member for Kent, which he contended was inconsistent. He (Mr. Brown) had seen through one pair of spectacles under the Lafontaine ministry, another now, and he might see through another pair, if gentlemen opposite came in [to] power.¹³³

MR. PATRICK approved of the sentiments enunciated by the friends of this bill.¹³⁴ He was sent to the House¹³⁵ for the very purpose of carrying out such opinions; but considered the gentlemen had chosen the wrong time for introducing their measure.¹³⁶ He thought that it was wrong to bring it forward during the present session.¹³⁷ He would have preferred to see this question settled by bill; but as government had chosen a different course, he would wait the decision of the courts of law, and should they fail in doing the justice he had every confidence they would do, he was then prepared to support with his best efforts a similar bill to that now before them.¹³⁸ The hon. member for Huron said that if the patents were good we should have nothing to do with them. He did not agree with him in that, but as this bill was introduced at the wrong time he should vote against it.¹³⁹

MR. AT. GEN. RICHARDS made some remarks in review of the debate¹⁴⁰. [He] did not think that there were many hon. members in the House who would agree with what had been said by an hon. member that the present incumbents should be deprived of their livings. Another point of law was involved in this question which had not been alluded to, and that was that some of the Rectories had been established by private individuals, and this bill made no provision for such cases. It seemed to him that they could not go away from the point, after the Legislature had put the matter before the courts of law, and could take no further steps till they had decided on it. When their proceedings had progressed to a certain stage, it did appear to him to be a most extraordinary thing to go on with the bill before the House, whatever the opinion of hon. gentlemen might be with regard to the abstract question as it seemed to him that every consideration of propriety would induce the House to reject this bill.¹⁴¹

MR. D. CHRISTIE of Wentworth said a few more words¹⁴².

MR. WHITE said that as the hon. member for Kent had agreed to alter the bill in committee, he would vote for the second reading.¹⁴³

MR. BROWN.--Before the vote is taken I desire to say a few words. I wish to call the attention of hon. members to this fact, that throughout this debate not one speaker has ventured to deny the right of this House to legislate as proposed, except the member for Huron--the whole objection is on the ground of expediency--and that not one had denied that it would be advantageous to take away the lands, and apply them as I propose. I wish also to ask the hon. members from Lower Canada whether the principles now sought to be applied to this Rectory Bill will not apply with double force to their Feudal Tenure Bill! (Hear, hear.) The questions are precisely the same. The Seigniors come here and say, "We are entitled to such and such property. We hold those lands and you, the Parliament, ought not to interfere with them--it is a question for the Law Courts to settle." A large part of this House hold this doctrine on the seigniorial question. Well, it is just so with the Rectors. I say that in both

cases, Parliament should decide, and I hope that Lower Canada members will say so too by their votes to-night. The hon. Attorney General says, that if the patents are illegal this bill is worse than useless. I must say, with all deference to the learned gentleman, that I would much rather trust to an Act of Parliament in my favour, than the hazardous uncertainties of the law: a certainty is always better than an uncertainty, especially when the former costs nothing, and the latter may cost thousands. The hon. gentleman has not attempted to show that any personal interest or right arises under the Rectory Patents. There is no name mentioned in one of them--there is no personal interest involved--why should we be so chary of taking possession of our own? The hon. gentleman will not say that, even if the Law Courts were to decide that the Rectory patents were illegal, that they should not be done away? With regard to spending the money of the country on this law process, the Attorney General asks, "Have you never heard of a friendly law-suit?" Yes, we have heard of parties who have gone amicably to work to get a decision on some doubtful question, but never, I apprehend, of parties agreeing together, before they began a suit, that one was to carry on the process and pay the costs of both sides: to fight against himself? And the hon. gentleman forgets that this is not the case of a friendly law suit--our position is that of a suitor who has been defrauded, and who is determined to have redress at all hazards and by the quickest process. There was a time when the hon. gentleman would not have regarded the Rectory question in so "friendly" a light. The hon. member for North York has asked me why I did not bring in an Ecclesiastical Corporation bill? The reason I did not bring it in was this--that I have always held the principle that when a measure of importance is brought before the Legislature, its several provisions should be publicly discussed beforehand, and my time was so occupied during the recess that I found there was not opportunity to do this before the meeting of Parliament. The hon. gentleman calls this a pledge, and he speaks of others. When he designates them I will be in a position to reply to the hon. gentleman--but meantime he will permit me to say that if he stands as clear before his constituents in regard to pledges as I do with mine, he may go back to them with confidence to-morrow. (Hear, hear.) I am here without a pledge. I stated my views to the freeholders--upon these I was elected--and I defy the hon. gentleman or any other individual to say I have departed from my principles in a single instance. (Hear, hear.)¹⁴⁴

MR. WHITE.--I will ask the hon. gentleman if he did not say that he intended to break up the Reform ministry?¹⁴⁵

MR. BROWN.--I said, Mr. Speaker, that I had not a particle of confidence in what the hon. gentleman calls "the Reform ministry"--and I apprehend the sequel has justified the declaration.¹⁴⁶

MR. PRES. EX. COUN. CAMERON.--The hon. gentleman declared, that he would give the Ministry a firm support--and his friends declared he would be as good a friend of the Ministry as they possessed.¹⁴⁷

MR. BROWN: I don't know who the gentleman calls my friends, or we might test the truth of the latter part of his statement--but as for the former part it carries absurdity on its face. Why, then, did the hon. gentleman propose to give me a hunt up the Wabash? With what object did he start a Ministerial candidate in opposition to me? Did not the hon. gentleman in his own town of Port Sarnia, after six hours debate, expressly declare in the presence of four or five hundred people that my sentiments were his precisely, and that his only objection to me was, my opposition to the Ministry? And did he not declare that if I would then and there state, that I would support them, he would withdraw opposition and go cordially in my favour? And what was my answer to his prop-

osition? It was this:--you say that my principles are yours precisely--well, if your Ministry sustains those principles I will support them; if not I won't. The hon. gentleman declared that would not do: it was not going far enough; and he wrote out a declaration which would satisfy him. I rejected it with scorn--we parted in bitter opposition--we fought the contest out to the last--and now the hon. gentleman tells us I was pledged to support the ministry! Far from the present Government carrying out the principles on which it was professedly founded, there is hardly a great public question on which they have not retrograded [*sic*] from the position of their much abused predecessors, forfeited their pledge, and brought reproach on the liberal cause.¹⁴⁸

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Cameron, Cartier, Cauchon, Chapais, Solicitor General Chauveau, Dixon, Attorney General Drummond, Dumoulin, Fortier, Fournier, Gamble, Gouin, Langton, Laurin, LeBlanc, Macdonald of KINGSTON, Malloch, McDougall, Mongenais, Morin, Patrick, Polette, Attorney General Richards, Ridout, Robinson, Shaw, Sicotte, Taché, Valois, Varin, Viger, Willson, and Wright of West Riding of YORK.--(35.)

NAYS.

Messieurs Brown, Christie of WENTWORTH, Fergusson, Hartman, Jobin, McDonald of CORNWALL, Mackenzie, Marchildon, Mattice, White, Wright of East Riding of YORK, and Young.--(12.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

The Order of the day for the second reading of the Bill to increase the Terms of the Circuit Courts in the Circuit of St. Hyacinthe, in the District of Montreal, being read;

Ordered, That the Bill be read a second time on Friday the fifteenth instant.

The Order of the day being read, for resuming the adjourned Debate upon the Question which was, on Monday the twenty-first day of March last, proposed, That the Bill to restrain the manufacture, sale, and importation of intoxicating Liquors in certain cases, be now read a second time;

Ordered, That the said Order of the day be postponed until Monday next, and be then the first Order of the day.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Valois, seconded by Mr. Fortier,
The House adjourned.

FOOTNOTES: 6 APRIL 1853.

1. GLOBE, 23 April 1853, attributed this motion to Mr. Stuart.
2. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 11 April 1853, MONTREAL GAZETTE, 13 April 1853, PILOT, 14, 16 April 1853, BRITISH COLONIST, 19 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 20 April 1853, NORTH AMERICAN SEMI-WEEKLY, 26, 29 April 1853, NORTH AMERICAN WEEKLY, 28 April 1853, NORTH AMERICAN WEEKLY, 5 May 1853, and MONTREAL GAZETTE, 21 May 1853 (which printed Mr. Merritt's introductory speech only). The debate was also reported by: GLOBE, 23 April 1853 (which partly copied the MORNING CHRONICLE, 11 April 1853 account); and LA MINERVE, 19 April 1853. The following papers noted the debate in partially identical accounts: BRITISH WHIG, 7 April 1853, GLOBE, 7 April 1853, HAMILTON SPECTATOR DAILY, 7 April 1853, PILOT, 7 April 1853, MONTREAL GAZETTE, 8 April 1853, NORTH AMERICAN SEMI-WEEKLY, 8 April 1853, EXAMINER, 13 April 1853, and LA MINERVE, 7 April 1853. A commentary in the HAMILTON SPECTATOR SEMI-WEEKLY, 20 April 1853 (in a separate account), called the debate, "By far the most important ... of the session."
3. GLOBE, 23 April 1853.
4. IBID.
5. MORNING CHRONICLE, 11 April 1853.
6. MONTREAL GAZETTE, 21 May 1853.
7. MORNING CHRONICLE, 11 April 1853. GLOBE, 23 April 1853: "\$4.40."
8. MORNING CHRONICLE, 11 April 1853. PILOT, 14 April 1853: "85."
9. MORNING CHRONICLE, 11 April 1853. HAMILTON SPECTATOR SEMI-WEEKLY, 20 April 1853: "648 m."
10. MORNING CHRONICLE, 11 April 1853. MONTREAL GAZETTE, 21 May 1853: "Sodus Bay."
11. MORNING CHRONICLE, 11 April 1853. HAMILTON SPECTATOR SEMI-WEEKLY, 20 April 1853: "\$8,000,000."
12. MORNING CHRONICLE, 11 April 1853. NORTH AMERICAN SEMI-WEEKLY, 26 April 1853: "41,672."
13. MORNING CHRONICLE, 11 April 1853.
14. MONTREAL GAZETTE, 21 May 1853, which quoted "\$309,000 per year."
15. MORNING CHRONICLE, 11 April 1853. NORTH AMERICAN SEMI-WEEKLY, 26 April 1853, had "Richilieu [sic]"; MONTREAL GAZETTE, 21 May 1853, had "Richmond."
16. MORNING CHRONICLE, 11 April 1853. MONTREAL GAZETTE, 21 May 1853: "Freights had been reduced fourfold less than the prices heretofore paid."
17. MORNING CHRONICLE, 11 April 1853.
18. MONTREAL GAZETTE, 21 May 1853.
19. MORNING CHRONICLE, 11 April 1853.
20. MONTREAL GAZETTE, 21 May 1853.
21. MORNING CHRONICLE, 11 April 1853.
22. MONTREAL GAZETTE, 21 May 1853.
23. MORNING CHRONICLE, 11 April 1853.
24. IBID.
25. IBID.
26. PILOT, 7 April 1853.
27. MORNING CHRONICLE, 11 April 1853.
28. MORNING CHRONICLE, 11 April 1853. PILOT, 16 April 1853: "1840."
29. MORNING CHRONICLE, 11 April 1853.
30. MORNING CHRONICLE, 11 April 1853. PILOT, 16 April 1853: "360 tons."
31. MORNING CHRONICLE, 11 April 1853. PILOT, 16 April 1853: "28 feet."
32. MORNING CHRONICLE, 11 April 1853. HAMILTON SPECTATOR SEMI-WEEKLY, 20 April 1853: "£20,000."

33. MORNING CHRONICLE, 11 April 1853.
34. GLOBE, 23 April 1853.
35. IBID.
36. MORNING CHRONICLE, 11 April 1853.
37. GLOBE, 23 April 1853.
38. MORNING CHRONICLE, 11 April 1853.
39. GLOBE, 23 April 1853.
40. MORNING CHRONICLE, 11 April 1853.
41. GLOBE, 23 April 1853.
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52. MORNING CHRONICLE, 11 April 1853.
53. GLOBE, 23 April 1853.
54. MORNING CHRONICLE, 11 April 1853.
55. IBID.
56. IBID.
57. GLOBE, 23 April 1853.
58. MORNING CHRONICLE, 11 April 1853.
59. GLOBE, 23 April 1853.
60. MORNING CHRONICLE, 11 April 1853.
61. GLOBE, 23 April 1853.
62. MORNING CHRONICLE, 11 April 1853.
63. IBID.
64. GLOBE, 23 April 1853.
65. MORNING CHRONICLE, 11 April 1853.
66. GLOBE, 23 April 1853.
67. MORNING CHRONICLE, 11 April 1853.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. GLOBE, 23 April 1853.
73. MORNING CHRONICLE, 11 April 1853, reported, "Ayes 36. Nays 6."
74. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 11 April 1853, MONTREAL GAZETTE, 13 April 1853, PILOT, 16 April 1853, BRITISH COLONIST, 19 April 1853, HAMILTON SPECTATOR WEEKLY, 21 April 1853, NORTH AMERICAN SEMI-WEEKLY, 29 April 1853, and NORTH AMERICAN WEEKLY, 5 May 1853. The debate was also reported by GLOBE, 26 April 1853.
75. GLOBE, 26 April 1853.
76. IBID.
77. GLOBE, 26 April 1853. MORNING CHRONICLE, 11 April 1853, reported Mr. Brown as saying: "It was not ... till 1846, that the patents were seen."
78. GLOBE, 26 April 1853.
79. IBID.
80. MORNING CHRONICLE, 11 April 1853.
81. GLOBE, 26 April 1853.

82. MORNING CHRONICLE, 11 April 1853.
83. GLOBE, 26 April 1853.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. MORNING CHRONICLE, 11 April 1853.
98. GLOBE, 26 April 1853.
99. IBID.
100. IBID.
101. IBID.
102. IBID.
103. IBID.
104. GLOBE, 26 April 1853. According to MORNING CHRONICLE, 11 April 1853, Mr. Hartman spoke "in so low a tone that the reporter could not follow him." We likely owe the GLOBE account of the speech to George Brown, whose position on the floor of the House made quiet speakers easier for him to hear.
105. MORNING CHRONICLE, 11 April 1853.
106. GLOBE, 26 April 1853.
107. MORNING CHRONICLE, 11 April 1853.
108. GLOBE, 26 April 1853. MORNING CHRONICLE, 11 April 1853: "under the union act."
109. GLOBE, 26 April 1853.
110. MORNING CHRONICLE, 11 April 1853.
111. GLOBE, 26 April 1853.
112. MORNING CHRONICLE, 11 April 1853.
113. IBID.
114. IBID.
115. GLOBE, 26 April 1853.
116. MORNING CHRONICLE, 11 April 1853. HAMILTON SPECTATOR WEEKLY, 21 April 1853: "February."
117. MORNING CHRONICLE, 11 April 1853.
118. GLOBE, 26 April 1853.
119. MORNING CHRONICLE, 11 April 1853.
120. GLOBE, 26 April 1853.
121. MORNING CHRONICLE, 11 April 1853.
122. GLOBE, 26 April 1853.
123. MORNING CHRONICLE, 11 April 1853.
124. GLOBE, 26 April 1853.
125. IBID.
126. IBID.
127. IBID.
128. IBID.
129. IBID.
130. IBID.

131. MORNING CHRONICLE, 11 April 1853.
132. GLOBE, 26 April 1853.
133. MORNING CHRONICLE, 11 April 1853.
134. IBID.
135. GLOBE, 26 April 1853.
136. MORNING CHRONICLE, 11 April 1853.
137. GLOBE, 26 April 1853.
138. MORNING CHRONICLE, 11 April 1853.
139. GLOBE, 26 April 1853.
140. MORNING CHRONICLE, 11 April 1853.
141. GLOBE, 26 April 1853.
142. MORNING CHRONICLE, 11 April 1853.
143. GLOBE, 26 April 1853.
144. IBID.
145. IBID.
146. IBID.
147. IBID.
148. IBID.

THURSDAY, 7 APRIL 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Polette,--The Petition of J. Desfosses and others, of the Parish of Three Rivers; and the Petition of Joseph Daviau and others, of the Parish of Three Rivers.¹

By the Honorable Mr. Young,--The Petition of Alexander Gillespie, Esquire, and others.

By Mr. Brown,--The Petition of the Reverend David Caw and others, of the Village of Paris; and the Petition of the Reverend D. Fraser and others, the Kirk Session of the Free Church, Coté Street, in the City of Montreal, in connection with the Presbyterian Church of Canada.

By Mr. White,--The Petition of the Reverend Joseph Alexander and others, of the Village of Norval.

By Mr. Street,--The Petition of George Hardison, Esquire, and others, of the Township of Bertie, County of Welland.

By Mr. Gouin,--The Petition of Daniel Capistran and others, of Sorel and vicinity, in the District of Montreal.

By Mr. Lyon,--The Petition of James Walkley of Bytown; and the Petition of Martin Cleary and others, of Bytown and the County of Carleton.

By Mr. Christie of Wentworth,--The Petition of the Mayor and Town Council of the Town of Brantford.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, of the 30th ultimo, for a copy of the Report of Doctors Nelson and MacDonnell, and Zéphirin Perrault, Esquire, Advocate, on the Quebec Marine Hospital, and of all documents having reference to the Inquiry held by the said Gentlemen concerning the said Institution.

For the said Return, see Appendix (Y.)

Pursuant to the Order of the day, the following Petitions were read:--

Of George J. Grange, of Guelph, Esquire; praying that the terminus of the proposed line of Railway from the Toronto and Guelph Railway to Owen Sound and the River Saugeen, may be fixed at the Town of Guelph.

Of the House of Convocation of the University of Toronto; representing that the Bill to amend the Laws relating to the said University, proposes to take from the said House and others associated with the University certain vested rights and interests, and also that the granting to the said University the right and privilege of electing a Representative to Parliament would promote the objects of the said University, and praying that the said Bill may not pass into law.

Of Anne Macdonald and other Ladies; praying for the passing of an Act to secure to Married Women certain rights of property in cases now unprovided for by Law.

Of the Reverend N.T. Hébert and others, School Commissioners of the Municipality of St. Louis, County of Kamouraska; praying for aid to reconstruct the Building used for School purposes in the said Municipality by the Frères de la Doctrine C[h]rétienne, and recently destroyed by fire.

Ordered, That the Petition of George J. Grange, of Guelph, Esquire, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and

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Telegraph Lines, presented to the House the Twentieth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to incorporate "The Stanstead, Shefford and Chambly Railroad Company" referred to them, to which they have made several amendments, and have agreed to report the same for the favorable consideration of Your Honorable House.

Ordered, That the Bill to incorporate "The Stanstead, Shefford and Chambly Railroad Company," as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Mr. Brown, from the Select Committee appointed on Thursday last, to draw up an Address to His Excellency the Governor General, reported, That they had drawn up an Address accordingly; and the same was read, as followeth:--
To His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.
May it please Your Excellency,

We, the Commons of the Province of Canada in Parliament assembled, respectfully approach Your Excellency for the purpose of representing, that we are humbly of opinion that it would be conducive to public advantage if the Provincial Parliament could meet annually at a uniform season of the year; and that the beginning of the month of February would be the period most convenient for the general interests of the country.

We, therefore, humbly represent that should Your Excellency, in the exercise of the undoubted Prerogative of the Crown, be pleased to summon Parliament for the despatch of business early in the month of February in each year, it would be highly acceptable to this branch of the Legislature.

The said Address, being read a second time, was agreed to.

Ordered, That the said Address be engrossed.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

The Honorable Mr. LaTerrière, from the Standing Committee on Standing Orders, presented to the House the Thirty-third Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Corporation of St. Andrew's Church, Quebec, for authority to mortgage or sell their property for the erection of a new Church, and though Notice has not been published in any newspaper, they find that the matter has been for a long time before the Congregation, and a meeting of the Pew-holders was held upon the subject; Your Committee would, therefore, respectfully recommend that the usual Notice be dispensed with.

The Petition of Sister M.R. Coutlée and others, Sisters of Charity of Montreal, for authority to dispose of their property at Point St. Charles, is not, in the opinion of Your Committee, of such a nature as to require a Notice.

On the Petitions of the Municipal Council of the Town of Perth, for annexation of Olden and other Townships to the County of Lanark,--and of the Municipal Council of the County of Champlain, for the transfer of the County seat to the Parish of St. François Xavier de Batiscan, Your Committee find that the requisite Notices have not been given.

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Ordered, That the Honorable Mr. Merritt and Mr. Cartier be added to the

Select Committee to which was referred the Bill to regulate the inspection of Pot and Pearl Ashes.

Sir Allan N. MacNab moved, seconded by Mr. Christie of Gaspé,² and the Question being put, That the 12th Standing Order of this House be amended for the present Session, so as to enable any item on the Orders of the day to be taken up without notice, whenever a majority then present shall be in favor of so doing, without debate;³

What a row this occasioned!⁴

On one side it was contended that the new arrangements would facilitate business; on the other,⁵ [the] order was strongly opposed by several members, as it was calculated to allow measures to be passed in the absence of members opposed to them, but ignorant that they were to be brought up.⁶

MR. BROWN strenuously opposed it, so did MR. J.A. MACDONALD of Kingston, so did MR. LANGTON, so did MR. STUART, so did MR. YOUNG, and so did several others.⁷

MR. MACKENZIE warned the House of the consequences⁸.

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the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Burnham, Chapais, Christie of GASPE, Crawford, Dixon, Dumoulin, Gamble, Gouin, Hincks, Lacoste, LeBlanc, Sir A.N. MacNab, Marchildon, McDougall, Morin, Murney, Polette, Attorney General Richards, Ridout, Robinson, Shaw, Stevenson, Terrill, Varin, Viger, Willson, and Wright of West Riding of YORK.--(27.)

NAYS.

Messieurs Brown, Chabot, Christie of WENTWORTH, Clapham, Dubord, Fergusson, Hartman, Jobin, LaTerrière, Lyon, Mackenzie, Malloch, Mattice, Mongenais, Morrison, Poulin, Rose, Seymour, Sicotte, Smith of DURHAM, Smith of FRONTENAC, Street, Valois, Wright of East Riding of YORK, and Young.--(25.)⁹

So it was resolved in the Affirmative.

The Order of the day for the third reading of the Bill to provide for the care of habitual Drunkards, and the custody and disposal of their effects, being read;

Ordered, That the Bill be read the third time on Thursday next.

Mr. Smith of Frontenac moved, seconded by Mr. Malloch, and the Question being put, That the Order of the day for the second reading of the Bill to attach a certain portion of the Township of Kingston, in the County of Frontenac, to the Township of Pittsburgh, for Municipal purposes, be now read; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Cartier, Chapais, Christie of GASPE, Clapham, Dixon, Dumoulin, Fergusson, Gouin, Hartman, Hincks, Lacoste, LeBlanc, Lyon, Macdonald of KINGSTON, Mackenzie, Malloch, Mattice, McDougall, Morin, Morrison, Murney, Paige, Polette, Ridout, Robinson, Rose, Shaw, Smith of DURHAM, Sicotte, Smith of FRONTENAC, Stevenson, Street, Terrill, Valois, Varin, White, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(41.)

NAYS.

Messieurs Brown, Chabot, Jobin, LaTerrière, Mongenais, Poulin, Seymour, Viger, and Young.--(9.)

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So it was resolved in the Affirmative.

And the said Order being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Honorable Mr. Badgley moved, seconded by Mr. Gamble, and the Question being put, That the Order of the day for the second reading of the Bill to amend the Act incorporating the Mount Royal Cemetery, be now read; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Cartier, Chapais, Solicitor General Chauveau, Christie of GASPE, Clapham, Crawford, Dixon, Dumoulin, Fergusson, Gamble, Gouin, Hartman, Hincks, Lacoste, LeBlanc, Lyon, Macdonald of KINGSTON, Malloch, Marchildon, McDougall, Morin, Morrison, Murney, Polette, Attorney General Richards, Ridout, Robinson, Shaw, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Street, Terrill, Varin, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(39.)

NAYS.

Messieurs Brown, Chabot, Jobin, Langton, LaTerrière, Mackenzie, Mattice, Mongenais, Paige, Patrick, Poulin, Seymour, Sicotte, Valois, and Young.--(15.)

So it was resolved in the Affirmative.

And the said Order being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Mr. Street moved, seconded by Mr. Tessier, and the Question being put, That the Order of the day for the second reading of the Bill to increase the Capital Stock of the Niagara Falls Suspension Bridge Company, be now read; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Cameron, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Clapham, Crawford, Dixon, Dumoulin, Fergusson, Gamble, Gouin, Hartman, Hincks, Lacoste, Lyon, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Marchildon, Mattice, McDougall, Morin, Morrison, Murney, Paige, Patrick, Polette, Attorney General Richards, Ridout, Robinson, Rose, Shaw, Sicotte, Smith of FRONTENAC, Street, Taché, Terrill, Tessier, Varin, Viger, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(48.)

NAYS.

Messieurs Brown, Dubord, Jobin, LaTerrière, Mackenzie, Mongenais, Poulin, and Valois.--(8.)

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So it was resolved in the Affirmative.

And the said Order being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Mr. Morrison moved, seconded by Mr. Smith of Durham, and the Question being proposed, That the Order of the day for the second reading of the Bill to incorporate the Erie and Ontario Insurance Company, be now read;¹⁰

The Honorable Mr. Young moved in amendment to the Question, seconded by Mr. Brown, That the words "Erie and Ontario Insurance Company" be left out, and the words "Montreal Exchange" inserted instead thereof;

MR. YOUNG¹¹ moved ... that the item No. 86 be taken up.¹²

Cries of no, no, yes, yes.¹³

MR. INSP. GEN. HINCKS ejaculated once or twice with great warmth¹⁴ "why can't you wait. You'll get the worst of it"¹⁵ and other eloquent expressions¹⁶.

Cries of no, no, go on.¹⁷

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Dubord, Jobin, Langton, LaTerrière, Lyon, Mackenzie, Mattice, Mongenais, Poulin, Sicotte, Taché, Valois, White, and Young.--(15.)

NAYS.

Messieurs Badgley, Burnham, Cameron, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Clapham, Crawford, Dixon, Fergusson, Gamble, Gouin, Hartman, Hincks, Lacoste, Laurin, McDonald of KINGSTON [sic], Sir A.N. MacNab, Malloch, Marchildon, McDougall, Morin, Morrison, Murney, Paige, Patrick, Polette, Ridout, Rose, Shaw, Street, Terrill, Varin, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(37.)

So it passed in the Negative.

And the Question being again proposed, That the Order of the day for the second reading of the Bill to incorporate the Erie and Ontario Insurance Company, be now read;

Mr. Brown moved in amendment to the Question, seconded by the Honorable Mr. Young, That the word "now" be left out, and the word "To-morrow" added at the end thereof;

MR. LANGTON¹⁸ rose to order. He begged to submit, if it were decent or proper for the head of the government in that house, to threaten hon. members with consequences, for a course of action they chose to adopt, and tell them "you'll get the worst of it."¹⁹

MR. BROWN added, and "you will repeat it."²⁰

MR. LANGTON asked if the House ought to receive such expressions from the head of the Government.²¹

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the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Dubord, Jobin, Langton, LaTerrière, Mackenzie, Mongenais, Poulin, Sicotte, Taché, Valois, White, and Young.--(13.)

NAYS.

Messieurs Badgley, Burnham, Cameron, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Clapham, Crawford, Dixon, Attorney General Drummond, Fergusson, Gamble, Gouin, Hartman, Hincks, Lacoste, Laurin, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, McDougall, Morin, Morrison, Murney, Paige, Patrick, Ridout, Robinson, Rose, Shaw, Stevenson, Street, Terrill, Tessier, Varin, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(39.)

So it passed in the Negative.

And the Question being again proposed, That the Order of the day for the

second reading of the Bill to incorporate the Erie and Ontario Insurance Company, be now read;

Mr. Langton moved in amendment to the Question, seconded by Mr. Brown, That the words "to incorporate the Erie and Ontario Insurance Company" be left out, in order to insert the words "for the regulation of Marriages, and to place upon a footing of equality the several Religious Denominations relative to the solemnization or celebration of Matrimony" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Dubord, Langton, LaTerrière, Mackenzie, Mongenais, Poulin, Taché, Valois, and Young.--(10.)

NAYS.

Messieurs Badgley, Burnham, Cameron, Chabot, Chapais, Christie of GASPÉ, Clapham, Dixon, Attorney General Drummond, Fergusson, Gamble, Gouin, Hartman, Hincks, Lacoste, Laurin, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Marchildon, McDougall, Morin, Morrison, Murney, Paige, Patrick, Polette, Ridout, Robinson, Rose, Shaw, Stevenson, Street, Varin, Viger, White, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(39.)

So it passed in the Negative.

And the Question being again proposed, That the Order of the day for the second reading of the Bill to incorporate the Erie and Ontario Insurance Company, be now read;

Mr. Smith of Durham moved in amendment to the Question, seconded by Mr. Morrison,²² That all the words after "That" to the end of the Question be left out, in order to add the words "the remaining Orders of the day be postponed until To-morrow" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Cameron, Cartier, Chabot, Solicitor General Chauveau, Christie of GASPÉ, Clapham, Crawford, Attorney General Drummond, Dubord, Gamble, Gouin, Hincks, Lacoste, Langton, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Mongenais, Morin, Morrison, Murney, Paige, Polette, Ridout, Robinson, Sicotte, Smith of DURHAM, Street, Varin, Viger, and Young.--(32.)

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NAYS.

Messieurs Burnham, Dixon, Fergusson, Hartman, LaTerrière, Laurin, Lyon, Mackenzie, McDougall, Patrick, Poulin, Sanborn, Seymour, Shaw, Stevenson, Taché, Terrill, Valois, White, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(22.)²³

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then on motion of Mr. Christie of Gaspé, seconded by Mr. Dubord,

The House adjourned.²⁴

FOOTNOTES: 7 APRIL 1853.

1. All papers reported that Mr. Dumoulin presented this petition.
2. MORNING CHRONICLE, 8 April 1853, reported that the motion was seconded by Mr. Hincks.
3. The following papers noted the debate on this matter in identical accounts: HAMILTON SPECTATOR DAILY, 8 April 1853, and GLOBE, 9 April 1853; MORNING CHRONICLE, 11 April 1853, and BRITISH COLONIST, 19 April 1853. The debate was also noted by: MORNING CHRONICLE, 8 April 1853; and NORTH AMERICAN SEMI-WEEKLY, 19 April 1853. The following commentary on the motion and the subsequent proceedings in the House appeared in the NORTH AMERICAN SEMI-WEEKLY, 19 April 1853:
"Last night was lost to the country through the factious proceedings of thirteen members. Sir Allan McNab carried a motion of which he had given notice to suspend the rule requiring private Bills to be taken up in their order. This was rendered necessary from Mr. McKenzie's practice of objecting to any Bill being taken out of its order. If one member objects it cannot be done; and he is usually that one member. In most cases his objecting seems to have no other effect than to obstruct business, for frequently Bills or those in charge of them, are not ready when called up, and if the House was at liberty to take up Bills that are ready, although far down on the orders of the day, the business of the House would be greatly expedited. To accomplish this was the avowed object of suspending the rule. Sir Allan's motion was carried by a majority of two, without any reference to party, and the House proceeded to business. A motion was made to take up a particular Bill, the malcontents, among whom Brown and Langton figured conspicuously, moved an amendment to take up another Bill; Yeas and Nays were called, and thus the game went on for some time, a minority of 10 or 12 being determined to prevent all business. At last an adjournment was moved and carried. This was a little after 5 o'clock, and thus a day was lost, and £500 of the people's money wasted."
4. MORNING CHRONICLE, 8 April 1853.
5. MORNING CHRONICLE, 11 April 1853.
6. HAMILTON SPECTATOR DAILY, 8 April 1853.
7. MORNING CHRONICLE, 8 April 1853.
8. NORTH AMERICAN SEMI-WEEKLY, 19 April 1853.
9. MORNING CHRONICLE, 8 April 1853, reported that the motion "was carried only by a majority of ONE."
10. HAMILTON SPECTATOR DAILY, 8 April 1853, reported that it was to the motion "to take up the Niagara Falls bill" that the following amendments were proposed.
11. The following papers reported the discussion about this motion in identical accounts: MORNING CHRONICLE, 11 April 1853, and BRITISH COLONIST, 19 April 1853.
12. MORNING CHRONICLE, 11 April 1853.
13. IBID.
14. HAMILTON SPECTATOR DAILY, 8 April 1853.
15. MORNING CHRONICLE, 11 April 1853.
16. HAMILTON SPECTATOR DAILY, 8 April 1853.
17. MORNING CHRONICLE, 11 April 1853.
18. The following papers reported the conversation at this point in identical accounts: HAMILTON SPECTATOR DAILY, 8 April 1853, and GLOBE, 9 April 1853; MORNING CHRONICLE, 11 April 1853, and BRITISH COLONIST, 19 April 1853.

19. MORNING CHRONICLE, 11 April 1853.
20. IBID.
21. MORNING CHRONICLE, 11 April 1853. MORNING CHRONICLE, 8 April 1853, reported that "Mr. Hincks looked as if he would have burst, but spoke not."
22. All papers but NORTH AMERICAN SEMI-WEEKLY, 19 April 1853 (which copied the JOURNALS) gave Mr. Lyon as the mover. MORNING CHRONICLE, 8 April 1853, MORNING CHRONICLE, 11 April 1853, and BRITISH COLONIST, 19 April 1853, gave Mr. Cameron as the seconder. MORNING CHRONICLE, 8 April 1853, commented that the motion "put an end to the rumpus."
23. NORTH AMERICAN SEMI-WEEKLY, 19 April 1853, listed Brown with the Yeas and counted 33, commenting, "Although Mr. Brown voted for the adjournment last night, his name does not appear in the printed votes. Whose fault is this? It looks like a dodge. Every member in the House can testify that, after leading the obstructives, he voted for the adjournment." HAMILTON SPECTATOR DAILY, 8 April 1853, and GLOBE, 9 April 1853, reported a vote of 31 to 21.
24. The House adjourned "at 5 o'clock" (GLOBE, 9 April 1853), "a little after 5 o'clock" (NORTH AMERICAN SEMI-WEEKLY, 19 April 1853), "before six o'clock" (NORTH AMERICAN SEMI-WEEKLY, 19 April 1853, in the same account), or "so early as six o'clock" (MORNING CHRONICLE, 8 April 1853)

FRIDAY, 8 APRIL 1853.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Langton,--The Petition of the Municipality of the Township of Ennis-more.

By Mr. Stuart,--The Petition of the Reverend John Cook, D.D., Chairman, on behalf of the Trustees of the Protestant Burying Ground in St. John's Street, in the Suburbs of Quebec.

Pursuant to the Order of the day, the following Petitions were read:--

Of Joseph Plante and others, Pilots for and below the Harbour of Quebec; praying for the passing of the Bill to regulate the Pilotage for and below the Harbour of Quebec.

Of Mrs. Laura Terrill, widow of the late H.B. Terrill, Esquire, of the County of Stanstead; representing that in the month of October last, her said late husband was a Member of this House, and in the discharge of his duties at the Seat of Government, when he died suddenly by reason of the malady then prevailing, whereby she with her family have been left nearly unprovided for, and praying for aid in the premises.

Of P.R. Robillard and others, School Commissioners for the School Municipality of the Village of the Parish of St. François du Lac, County of Yamaska; praying aid from the Jesuits' Estates Fund for the construction of a School House in the said Village.

Of John Priest and others, of the Village of Bath and vicinity; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating Liquors, except for medicinal and mechanical purposes.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to incorporate the Montreal and Bytown Railway Company;" and the same were read, as follow:--

Page 1, line 30. Leave out "or" and insert "and."

Page 3, line 48. Leave out "procure" and insert "be furnished by and at the expense of the said Company with."

Page 5, line 10. Leave out "usual," and after "fee" insert "of one shilling and three pence."

Page 5, line 32. After "Office" insert "receiving for the registration of each such debenture a fee of one shilling and three pence and no more."

Page 5, line 21. Leave out from "Company" to "at" and insert "shall."

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Page 5, line 37. After "Bellingham" insert "Theodore Hart."

Page 10, line 34. Leave out from "Company" to "and" in line 38.

The said Amendments, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Badgley do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendments.

Ordered, That the Honorable Mr. Young have leave to bring in a Bill to authorize the Sisters of the Grey Nunnery of Montreal, to dispose of property at Point St. Charles, near the City of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate "The Stanstead, Shefford and Chambly Railroad Company;" and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Smith of

Durham reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Smith of Durham reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to enable the Corporation of the Mayor and Councillors of the City of Quebec to borrow an additional sum for the construction of the Water Works," to which they desire the concurrence of this House.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act [to] enable the Corporation of the Mayor and Councillors of the City of Quebec to borrow an additional sum for the construction of the Water Works," was read the first time.

On motion of Mr. Stuart, seconded by Mr. Clapham,

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to incorporate the Montreal Exchange, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The House, according to Order, again resolved itself into a Committee to consider certain Resolutions on the subject of certain Amendments to the Tariff of Customs and Excise Duties;¹

The debate was continued on the resolution proposed by Mr. Young.² His resolutions in amendment to those of Mr. Hincks follow:--

1. That the true policy of Canada is to reduce the public expenditure, as far as can be done with due regard to efficiency; and to use the great natural capacities of our country, as shall best advance our own interests without regard to the policy of other nations.

2. That it is highly expedient to place the internal water communications of the Province in the best possible condition without unnecessary delay. That with this view a ship Canal to connect the waters of the River St. Lawrence with Lake Champlain should be forthwith undertaken as public work, that the navigation of the St. Lawrence below Quebec should be improved, as soon as possible, by the construction of Light Houses; and that every means should be taken which may have a tendency to lower the price of Ocean freight.

3. That it is expedient that the following Materials required for Manufacturing purposes should be admitted into Canada free of Customs' Duties:--

Caoutchouc, Sail Cloth, Copper in bars or in sheets, Yellow Metals in bars or sheets, Iron in scraps, pigs, or sheets, and not otherwise manufactured, Bright and Black Varnish, Pine Oil, Marine Cement, Pitch, Tar, Resin, Chain Cables, Tree Nails, Bunting, Felt-Sheeting and Oakum, Bark, Bristles, Burr Stones, unwrought, Coals, Cotton yarn and hemp, Dye stuffs, Hemp and Tow, Hides, Boiler Plate and Railroad Bars, Lard, and Oil, Grease and Scraps, Lead, Ores of Metals, Steel, Tallow, Cocoa Nut, Palm and Cod Oil, Pipe Clay, Type Metal in blocks or pigs, Wool, Russia Hemp Yarn, Clay for Pipes, all kinds of Woods, whether in logs, veneers, or otherwise, Soda, Ash, and Barrilla [sic].

4. That it is desirable that the full controul over the Navigation of the River St. Lawrence, and other internal waters of Canada, should be transferred

from the Imperial Parliament to Provincial Legislature.

5. That an humble Address be presented to His Excellency the Governor General, based on the first three Resolutions.

6. That an humble Address be presented to Her Most Gracious Majesty, based on the fifth foregoing Resolution.³

MR. INSP. GEN. HINCKS said that the Government did not think that it would be expedient if they desired to keep up the credit of the country to make any great reductions in the tariff. He supposed that the proposition of the hon. member for Montreal which was in favor of certain resolutions, some of which had no particular bearing on the question, and which he thought it would be very inconvenient to take up at present, was intended to reduce the revenue. The first resolution was a mere statement of a general proposition to which no one would object, but he did not think the present was the proper time to discuss it. With regard to the second resolution, respecting the Champlain Canal there was no doubt of its importance, but that alone should make them very cautious. It was true that the hon. member had said that the completion of this work would bring in a revenue of £500,000 per annum, and that therefore the duties should be reduced, but he had listened to these statements for a long time without seeing that they came true, and he thought that it would be time enough to reduce the customs' duties when the canals did produce that revenue. The only practical part of these resolutions is that which refers to taking off the duty altogether from those articles which it is now proposed to admit at the small duty of $2\frac{1}{2}$ per cent. That would involve a certain amount of reduction, but not to any great extent. If he (Mr. H.) was to make any further reduction he would rather reduce that on sugar than on railroad iron, as was proposed by the hon. member for Montreal. The only effect of the latter would be to put a great deal of money into the hands of railroad companies as the contracts had already been made on the supposition that no reduction would be made in the price of iron. It would put money into the hands of companies at the public expense. There might be a few articles not included in those which it was proposed to admit at $2\frac{1}{2}$ per cent., but he should not object to put any articles in the list if the hon. gentleman would show that they ought not to have been omitted. With regard to the effect of these reductions on the carrying trade he had no hesitation in saying that he did not think that the duty of $2\frac{1}{2}$ per cent. was any material obstacle to the carrying trade. Large amounts had been passed through the States in bond, without paying any duty at all, and at only some trifling inconvenience in making the necessary entries at the Custom House, but the persons whom this would chiefly concern had all the necessary machinery to transact all the business in the way of making Custom House entries in the States, so that repealing the $2\frac{1}{2}$ per cent. duty would make very little difference to them. He mentioned this particularly because railroad iron would be the principal article that would be affected by these resolutions. The whole object was this, that heavy articles should be admitted as low as possible, to get the downward freight, but in fact they are now admitted at the nominal duty of $2\frac{1}{2}$ per cent., or they go in bond free altogether. The next proposition of the hon. member for Montreal is as to the trade of the St. Lawrence. He was anxious to throw that open to American vessels, but he was not prepared to make that concession while the existing negotiations are going on with the United States. The whole thing is in the hands of the British Minister at Washington, and it would not do to take any such step at present. He (Mr. Hincks) knew perfectly the views of the hon. member for Montreal, he would give up all to the Americans, but he (Mr. H.) did not think that it would be for the interests of this country to do so, for he did not think that we should ever get anything in return.⁴

MR. YOUNG said, that so much had been already said with reference to the

first and second resolutions that it was not necessary to say much about them, but with reference to pursuing a cautious policy he differed altogether from the hon. Inspector General, and yet when he said that it was time enough to take off customs' duties when the public works were paying, he would tell him that the construction of the proposed Champlain Canal was to give to the public works the business which they have not now, from which the revenue would be derived. That was the basis of their whole commercial policy. The difference between this resolution and the one they had been discussing on the same question was, that this states that the canal shall be built forthwith, which the other did not. In reference to the articles mentioned in his resolution they were required for manufacturing purposes. Mechanical industry was interested in many of those articles which pay now $12\frac{1}{2}$ per cent. duty, and those articles, he thought, ought to be admitted free; with reference to railroad iron, the quantity that had come in for use in this country had borne no proportion to that which had moved by the St. Lawrence route to the Western States. He had moved much iron himself and he knew that the trouble of passing it in bond was no trifling matter. And by the St. Lawrence much expense was incurred, the purchaser in Ohio had to appoint an agent in Montreal or Quebec, and bonds had to be entered for the amount of the duty, and a large commission had to be paid to the agent, and, altogether, it was found a very great source of annoyance. The cost by the St. Lawrence and that by the New York canals was very nearly balanced, and a very little thing turned the scale. He had the honour of meeting a number of gentlemen from New York who asked him to get a reduction in the toll on railroad iron going through the Welland canal, but he was not able to get it done, and he found that the quantity entered at Buffalo was 20,000 tons more than what had passed through the St. Lawrence, and he had no doubt that had the reduction he desired been made that would not have been the case. Several of the articles mentioned in his resolution, are those mentioned as articles on which the Inspector General proposes to charge $2\frac{1}{2}$ per cent but he thought that they ought to be free. There was not one of the other articles which was not used in manufacture. Tallow, for instance, for candles. He says that large quantities of candles were made in the States for exportation to Jamaica, and he did not see why Canada should not do the same thing. In this case the $2\frac{1}{2}$ per cent. duty was just a tax on the manufacturer, and this, he thought was just one of those manufactures which ought to be encouraged by admitting the raw material duty free. Wood, also, whether in logs or veneers, was extensively used for the manufacture of furniture and that too should be admitted free. As to reciprocity, he had no doubt that it would not be obtained, and he for one would not much care if it was not. That the control of the River St. Lawrence should be in the hands of the Canadian Government he had no doubt, and he thought the Legislature should try to obtain it to do with it as they chose. There could be no doubt about it. He then moved the first of his resolutions⁵.

Seconded by MR. BROWN.⁶

MR. GAMBLE expressed his hearty concurrence in those resolutions of Mr. Hincks which made over to the municipalities certain excise revenues. That was a move in the right direction.⁷ He had no objection to the three first resolutions, not so much from the amount of revenue, but because they involved a principle of decentralization. He hoped to see the time when the municipalities should have all the power that legitimately belonged to them, and then we should have made one step towards good Government. There had been something said by his colleague from North York about paying the revenue officers for the loss of their salaries in which he did not agree, for he was sure that the municipalities would not object to the plan proposed. He was heartily glad of the change, for if an abuse did exist in the country, it was in the mode in which the money from

the houses of public entertainment had been collected. It was true that some improvement had taken place during the last year but the system had been very bad, and he then went on to describe how it had been carried out. With regard to the tariff, he thought that it was one step in the right direction and he did not object to the articles that had been selected for reduction, with the exception of refined sugar; but he thought that when they looked at the state of the revenue they would find that the reductions might be much larger than was proposed by the Inspector General. These reductions ought to be made so as to relieve the agricultural classes, for it is from them that the revenue is derived. If after these reductions take place we have a surplus of £400,000--and if the liabilities are only about £200,000, we will have a surplus of £200,000. The Inspector General admits an annual surplus of £120,000--and if there was no absolute necessity for this, it would be as well to extend the reductions still further, to those articles which are used by the great bulk of the people. The specific duty might be repealed, which presses the hardest on the poorer classes, for it does not depend on the quality of the article used. If the state of the revenue was, as was represented, he thought this might safely be done--and he would move a resolution to that effect. He thought the articles on which the repeal of the specific duty would be most beneficial--were tea, coarse sugars, green coffee, and salt; the amount of reduction on those articles, is stated to be as follows:

| | | |
|-----------------------------|-----------------------|------------------|
| Specific duty on tea, - - | 3,728,080 lbs. at 1d. | £15,533 13s. 4d. |
| do on coarse sugars, - - | 144,569 cwt at 9d. | £65,056 1s. 0d. |
| do on green coffee, - - | 11,857 do at 4s. 8d. | £2,766 12s. 0d. |
| do and <u>ad valorem</u> on | | |
| Salt, - - - - - | | £7,208 4s. 4d. |
| Total, - - - - - | | £90,564 10s. 8d. |

The reduction on raw materials which he proposed

to admit free, would be - - - - - £13,000 0s. 0d.

And the Excise duty to be remitted, was - - - - - £13,500 0s. 0d.

Making a total reduction in the revenue of - - - - - £117,064 10s. 8d.

He could not see the object of reducing the duty on refined sugar, for it was an article entirely in use among the higher classes, and just one of those articles on which revenue should be raised.⁸ Refined sugar was an article of luxury, and was proper to be taxed. If we admitted raw articles of necessary consumption free, and taxed manufactured articles we should soon have manufactures in the country.⁹ He thought that if the duty was taken off coarse sugars it would have the effect of inducing the establishment of refiners in this country. He thought that the whole duty on salt should be taken off: it would not amount to more than £10,000. He thought that the Inspector General now saw the necessity of taking some steps to encourage the manufacture of the country, and he was much amused at the course taken by the hon. member for Montreal with regard to protecting our industry, and he believed that it was because a number of manufactures were springing up at Montreal, which he was very glad to see. He thought they ought to go on some general principle, to lay down some rule and endeavour to carry it out. They should lay down the rule to allow articles in manufactures to be admitted duty free, and that all loss accruing therefrom should be made up by imposing a duty on other articles which were not articles of general consumption. He was no great advocate for the reduction of the duties unless the revenue permitted it; but on the other hand it was dangerous to have too much money at the disposal of the Government¹⁰, it leads to all manner of abuses. With respect to tea, raw sugar, and salt, if all the duties were taken off them, a great boon would be conferred on the poor man, and an impetus be given to manufacturers. Referring to the American commercial policy, he hoped that we might

adopt one equally wise and patriotic¹¹. The more he looked at it the more he was convinced that the whole commercial policy of the country had never been regulated by a regard for Canada herself, and¹² when he heard the Inspector General declare that we were going to have a Canadian policy, he had thought a brighter day was going to dawn upon Canada¹³, but he now found that that policy was not to be carried out.¹⁴ Canadian legislation ought to be such as to encourage Canadian manufactures. Without these Canada, never could become a great and flourishing country. The hon. member enlarged on this point at some length. He could not see any good reason, why we should not levy the duties necessary for revenues in such way as to encourage manufacturers. He contended the whole tariff should be revised upon the principle which he indicated. Levy duties on fine imported articles of manufacture, and then they would fall on classes who could afford to pay for them; and besides this a home market would be made, and our own industry be protected.¹⁵ Our policy had always been regulated by a desire for the benefit of Great Britain, and not with any desire to benefit ourselves, and the hon. member for Lincoln was right when he said that the policy of Great Britain and the United States had combined against Canada, and to show that such was really the case he had taken the pains to make out the following table to show from what countries goods paying a high and low rate of duty were imported.

| | High duties. 18 to 57 per cent. | Low duties. 12½ per cent. |
|------------------------|------------------------------------|------------------------------|
| Great Britain, - - - - | £ 29,083 | £1,985,781 |
| West Indies, - - - - - | 2,513 | |
| N.A. Colonies, - - - - | 69,723 | 738 |
| United States, - - - - | 442,191 | 737,841 |
| Foreign Countries, - - | 46,837 | 21,225 |

It was evident from the foregoing table that for Great Britain this policy had been carried on, and Canada could never arrive at the position she ought to occupy unless she became a manufacturing country. What had made the Eastern States what they are but their manufactures? Every manufactory becomes a market for the farmer which is constantly increasing, and this is the principal reason why the United States flourish as they have done. The manufactories in the Eastern States form a market for the agricultural States of the West, and he believed that this was the cause of that higher price for wheat on the other side which the member for Montreal denied to exist, and which the member for Lincoln, who had spoken of it, could not account for. If we desire to benefit our farmers, we must create a home market--and he could see no good reason why, when we have to raise customs' duties, not do it in such a manner as to encourage our home manufactures. This would be a Canadian policy, and not a policy to advance the interests of Great Britain instead of our own. These things are well understood in Great Britain, although they are not understood here, as would be shown by an extract from the Edinburgh Review, a free trade periodical, which he would read. It was in the April No. of the year 1851. "The first effect, then, of our proclaiming the independence of our colonies must inevitably be the enactment by them of a high tariff on all imported commodities, and as the commodities required are by the nature of the case articles of manufactured rather than agricultural produce, and as England is the chief manufacturing country in the world, it would be chiefly on our productions that this high tariff would press, however unintentional such a result might be, and however it might be regretted and deplored." "The rate of the duties imposed by such a tariff it is in vain to guess. This must depend primarily on the necessities of the State imposing it. If, however, the example of the United States is of any service in helping us to a conjecture, it may be observed that her tariff imposes duties of from 30 to 50 per cent. on all our chief productions. We

have no reason to suppose that a lower scale would meet the requirements of Canada, Australia, or the Cape. Now a high tariff is, ipso facto, and without any malicious intention, a protective one. Each of our colonies contain a number of artizans conversant with all the processes of English manufacture, trained in English factories, familiar with the use and construction of English machinery. Most of our colonies are rich in raw material, and it is idle to suppose that a protection of 30 to 50 per cent. will not suggest to the unsleeping enterprise and energy of some of our colonial brethren the idea of manufacturing for themselves the wool or the cotton which they produce, and clothing themselves, as well as feeding themselves, at home."

That was the opinion of the Edinburgh Review devoted to free trade principles.¹⁶ He ... commended that free trade authority to the attention of Messrs. Hincks and Young.¹⁷ The true principle for us is, that we should rely upon ourselves. We should lay down a policy and stick to it, regardless of any other country? England had shown no desire to do anything for us: what return have we received for admitting all the manufactures of England into this country. She had shown gross neglect for us at the passing of the Corn Laws, when she could have got reciprocity for us, the advantages of which he (Mr. G.) did not mean to disparage, although he did not esteem them so highly as some people did. The interests of this country and of Great Britain are not identical. She desires that our stuffs should come to her markets and not to any others, and that our grain should compete there with the slave-grown stuff of Russia.¹⁸ It was not the interest of England to find us markets for our produce besides her own; and it was in vain to look to England to negotiate reciprocity for us.¹⁹ He had no confidence in trusting to the negotiations of Great Britain. If she wanted to obtain a reduction of one sixteenth part of a farthing on a yard of calico,²⁰ her statesmen would have been all alive on the subject, and the negotiation would not have been slow. If England declares that we have the constitutional right to legislate on the Clergy Reserves, let her declare that we shall have the right to legislate in all other matters.²¹ As for the United States, he would adopt their tariff against themselves, and then we should soon have reciprocity, because it would then be the interest of Great Britain for us to get it, and the interest of the United States also. These things were all understood in England, and he had an extract of greater authority than the Edinburgh Review, which was the following extract from Mr. Macaulay's speech to the electors of Edinburgh:--

Extract from Mr. Macaulay's Speech to the Electors of Edinburgh

"Even if he go from under the dominion and protection of the English flag, and settle himself among a kindred people, still he is not altogether lost to us, for, under the benignant system of free trade, he will still remain bound to us by close ties. (Cheers.) If he ceases to be a neighbour, he is still a benefactor and customer. Go where he may, if he will but hold that system inviolate, it is for us that he is turning the forests into cornfields on the banks of the Mississippi; it is for us he is tending his sheep and preparing his fleeces in the heart of Australia, and in the meantime it is from us he receives the commodities which are produced with vast advantage in an old society, where great masses of capital are accumulated. (Cheers.) His candlesticks and his pots and pans come from Birmingham, his knives from Sheffield, the light cotton jacket which he wears in summer comes from Manchester, and the good cloth coat which he wears in winter comes from Leeds; and in return he sends us back what he produces in what was once a wilderness--the good flour out of which is made the large loaf which the Englishman divides among his children." (Loud cheers.)²²

MR. INSP. GEN. HINCKS.--In which country is the highest price paid for labour? (Hear, hear.)²³

MR. GAMBLE said, that he did not desire to bring the labouring classes down to the standard of Europe. He did not make these remarks from any feeling of hostility to England, because he had all the feelings and the pride of an Englishman and would yield to none in that, but he thought that our first duty was at home (Hear, hear.) He was first for home, then for Great Britain, and then for the United States, when he could not help it.²⁴

MR. INSP. GEN. HINCKS said, that he had listened to the remarks that had just been made with great pain, and it was with pleasure that he was able to state that he differed entirely from the hon. member for South York, with regard to the commercial policy of this country. If he held the opinions of that hon. member and believed that the best interests of this country, the country of his adoption, for the interests of which, he felt as lively a regard as that hon. member could, were hostile to those of the mother country, it would be to him a source of deep regret. If he felt that the interests of this country were different from those of England, he should be very sorry indeed.²⁵ He therefore rejoiced that he thought differently.²⁶ The hon. member for South York had fallen into the mistake which all the persons who hold his opinions do. He falls into the mistake of supposing, that when two persons exchange their different commodities one must be the loser--but he (Mr. Hincks) believed that this exchange was for the benefit of both parties. The hon. member²⁷ had read with a great flourish²⁸ an extract from a speech of the right hon. Mr. Macaulay, in which he referred to this subject--and he then showed that in one country where there was an over-crowded population where labour was cheap, and where an abundance of capital was furnished at low rates of interest--and where manufactures had been brought to the highest pitch of perfection--and where even in particular parts of that country, particular branches of industry flourish.²⁹ Now he, Mr. Hincks, approved of the views of the right hon. gentleman. He had simply shewn that Great Britain manufactured for her colonies and that all were benefitted by it.³⁰ He shows in a speech, replete with sound argument, that in the country which can do all those things to the greatest advantage, is the proper market for the country where food is produced, where labour is high, and which it can supply with the articles made by its own cheap labour, better than that country can supply itself. He (Mr. Hincks) asked the hon. member for South York, in which country labour was the highest--in the manufacturing or in the agricultural. It is in this country, and not in the country where manufacturing is pursued. Let us ask ourselves in which country the price of labour is the highest, and in which country the labouring man enjoys the highest degree of happiness and comfort. The speech of the hon. member for South York, was marked with the most ungenerous feeling to the statesmen of Great Britain, more especially to those whose efforts would obtain for us Free trade with the United States.³¹ He (Mr. H.) thought that much might have been done by negociation both for us and for them. But had they not as much to ask as we had? If they had asked at all, might they not have asked for themselves?³² [Mr. Gamble] said that to obtain 1-16th of a farthing in the price of a yard of calico they would make any effort, but they would do nothing for us. It was true that when the corn laws were passed, he thought the British Government did wrong in not trying to get the advantage of reciprocity, not only for the colonies but for themselves--but it must be remembered that then there was little time for diplomacy, for they were pressed to relieve a starving people who would allow of no delay. He (Mr. H.) was well aware that a very strong feeling prevailed on the subject, and it was very natural. It was held by the hon. member for Montreal, who entertains the same principle as was advocated in England at the time of the repeal of the Corn laws, and who would give everything up to the United States, but he (Mr. Hincks) did not think that that was the way to deal with them. No American statesman would

give us anything, if he could not show that he has received an equivalent or more than an equivalent--that he has got the best of the bargain, or else he will not get them to do anything. He (Mr. H.) did not think, therefore, that the hon. member was justified in attacking the British statesmen as he had done. He (Mr. H.) had stated before the hon. member came in, and he would now repeat it, that it would be a subject of the deepest grief to him if the interests of Canada were not identical with those of Great Britain.³³ He believed the hon. member was sincere in his views, but he (Mr. H.) repeated he rejoiced that he did not hold them. He knew nothing more calculated to sever the connection between the mother country and her colony than the doctrine that the interests of the two were not identical.³⁴ He was opposed to any duties being imposed on British manufactures or on anything else, except for the purposes of revenue; as to the policy proposed by the hon. member for South York, he was entirely opposed. No policy more likely to cause separation from the mother country could be pursued, for the moment you adopted the policy of putting duties on her goods, you put yourself in a hostile position, and he did not believe that such a course of policy would be for the benefit of Canada.³⁵ From what he had heard he saw that³⁶ the policy of the Government was to be met by a combination of the ultra Free traders and the ultra Protectionists--and for himself personally, he should be quite satisfied if they succeeded. He would be quite ready to walk across the House, and it would be no little amusement to him to see the proposition they would put forward for the Government of this country. The Government would not agree to admitting articles duty free. By the policy they had put forward they would stand or fall.³⁷

MR. ROBINSON was nearly inaudible, but he was understood to contend for reduction on such articles as coffee and sugar.³⁸ [He] did not think that it would be right to reduce the duties to the extent proposed by the hon. member for York, although he agreed with him that our home manufactures ought to be protected. He did not think that the duty on tea was very oppressive, particularly as the duty on sugar was to be reduced. He was not prepared to oppose the resolutions of the Inspector General, unless we can show that by a further reduction our engagements are still to be met. We have £300,000 of debenture to pay off, and he would rather pay them off than incur any fresh debt.³⁹

MR. MERRITT.--The doctrine of Mr. Gamble that the interests of England and Canada were adverse to each other ought to be explained. He (Mr. M.)⁴⁰ did not say that there was an adverse interest between Great Britain and Canada, what he meant to say was that the policy of Great Britain had been adverse to us. Great Britain should have obtained reciprocity for us at the time of the passing of the corn laws. They should have intended their minister at Washington to obtain it then. He should have told the United States that they, the Americans, were sending free to them the productions of their twenty-four millions of inhabitants, while they were imposing on the manufactures of England a duty of twenty per cent., and that if they wished to have the advantages of free trade in our continent they must take that duty off. It was the neglect of England to do that which caused the adverse interest. We should show England what that adverse interest is, and that it is her duty to press on the American Government the necessity of granting us reciprocal trade. The moment that Great Britain was to tell the United States and all other countries that she would extend to their grain the principle of her navigation laws, reciprocity would soon be granted. We are now leading Great Britain astray. He agreed that free trade was the true principle--that they should buy where they could buy cheapest, and sell where they could sell dearest, but before we can adopt that principle in this country we must place ourselves in a position to do so--but how are we to do that--we are neither protectionists or free traders. If duties on our importations are necessary, we should not put them on those which

are necessary and which we can not produce ourselves. Sugar and all articles like that which can not be produced here should be admitted free of duty. When our revenue was in 1840 £200,000, and is now £800,000, we might now without any danger reduce our taxation. It is said that we are in debt and ought to get out of debt. If ever we had adopted a regular policy--a Canadian policy--it was in 1849, and that policy we should continue now. By reducing our customs' duties we can increase the revenue from our canal tolls, and then we should be able to pay off our debts. If there ever was a country in the world in which free trade would be advantageous, it was Canada, but she must first prepare herself for it. He was in favor of reducing the duties on all heavy articles, to get them into the country for the sake of their freight on the canals.⁴¹

MR. CAUCHON said, that the member for Lincoln was afraid to mention differential duties, although that was what he meant.⁴² Whenever the hon. member spoke of differential duties, he insisted on calling them by other names. He agreed with the hon. member for Lincoln, that if Great Britain would put duties on other nations unless they give reciprocity to England and her colonies that great good would be done. But why did not the hon. member call things by their right names. He thought Great Britain ought to have adopted that course at the time of the repeal of the corn laws; but⁴³ as had been said at the time when those laws were repealed, they were acting from the pressure of public opinion, and had no time for diplomacy, and it would now be difficult to induce England to return to the system of retaliation, but we ought to try to press on the mind of the Home Government our views on the question, and by continual agitation we might gain our point and bring her round to regard the interests of the colonies.⁴⁴ It was the duty of Canada to remonstrate.⁴⁵ But if the policy of Sir Wm. Molesworth and Mr. Cobden were to succeed it would be no use to make the attempt.⁴⁶ The hon. member said that reciprocity would not be secured: well he was not very sorry for it. Reciprocity was like protection, no body would be satisfied with it. Now of this last fact he had a good example the other day; a rope maker came to him to demand freedom of the raw material of his manufacture and protection for the manufactured article. But the shipowner declared that rope was the raw material of his trade.⁴⁷ It is no use attempting a system of protection unless it is carried out in the fullest extent, for if you protect the manufacturer the producer will ask to be protected also.⁴⁸ He did not think reciprocity would do good to Canada East, though it might do a great deal of good to Canada West. He wanted first to bring round the channel of trade to the St. Lawrence, and then reciprocity would do good to Lower Canada too.⁴⁹ for reciprocity should not be obtained till that trade had returned.⁵⁰ He agreed very much with the hon. member for Montreal; but he did not like the general propositions which he had moved, for he remembered when the retrenchment committee said that all sorts of reforms were promised; yet now he saw some of the men who were loudest then coming now into the government and adding most enormously to the expense of the government by the creation of new offices. Nor did he like to have to consider the Champlain Canal in this connection. Having asked Mr. Young, what would be the difference between his reduction and that of Mr. Hincks, and being told from £20,000 to £25,000, he said if he found they were not more than that he would vote for them. Besides, though he desired to have the tariff as low as possible, he thought trade would perhaps be best secured by a reduction of tolls. The tariff had doubtless been increased; but not considerably, and the increase in the revenue was due to the increased prosperity of the Province. He had formerly been disposed to vote for the reduction of the duty on paper; but he had ascertained that this would make very little difference to any one. But what he did desire was to take off the duty on presses, types and other printing implements.⁵¹

MR. STEVENSON.--It has been very properly remarked that the more frequent intercourse between nations, the better⁵², if upon equitable terms.⁵³ It was desirable to have mutuality in trade.⁵⁴ But it was a great mistake to suppose the British policy was a free trade policy. Sir R. Peel removed the whole duty on cotton, was not that a protective measure? They reduced the duties on breadstuffs because they wanted to get breadstuffs; but when the question came up about the protection of manufactures, they did not carry out the principle. They studied their interests: that was that [sic] he wished to do. He was glad when he heard the Inspector General propose⁵⁵, at the early part of the session⁵⁶, to carry out a Canadian policy, and regretted that was now to be abandoned.⁵⁷ He would ask, if anybody could suppose, that it would be to the interests of Canada that one part of the province should be cut off from the other, and it could not be considered otherwise than to the interests of Upper Canada, to carry on that trade with the Americans through means of the St. Lawrence? Then as to sending their breadstuffs to another country for their use, the trade of the last two years would [show] every one how quickly the Americans [were en]grossing the whole of their Canadian trade. [He need] not ask, whether it was not more advantage[ous that] Canada should have the whole benefit of h[er trade] than that the Americans should possess i[t, but he] could not but complain of the course wh[ich had] been adopted to increase the trade of the [United] States, and to decrease the traffic on [the St.] Lawrence. But he really did wish to se[e no re]striction placed upon the trader of Upper [Canada] which might operate against his interests t[o keep] him from sending his goods through th[e United] States⁵⁸. He desired therefore without shutting out the Upper Canadians from the earliest market for their spring goods to make our own trade go through our own channels.⁵⁹ He thought the course they [ought to] pursue would not interfere with any pa[rt of the] trade of Upper Canada, and that a [route] should be opened for traders, beneficial [to the] lower part of the provinces.⁶⁰ As to protection he desired though a protectionist, just so much and no more, than was adopted by Sir Robert Peel. At the same time, while England was the country where the greatest good was to be obtained from free trade, Canada was probably the country where it could do least; for it was a maxim that the advantages of free trade were proportionate to the amount of manufacturing capital in the country.⁶¹ As to home [manufac]tures, a heavy duty should be placed on t[hose arti]cles of import which affected or interfered [with the] former, and he only wanted to see the res[ources of] Canada developed, the same as those of [the States] had been, by promoting their manufactu[res.]⁶² The hon. mem. then went over the trade in some heavy articles as salt, iron, &c., to show that the trade of the country was passing to the United States, and thus ceasing to yield a profit to Canadian merchants and producers.⁶³ It was only necessary to take up a few [cases to] show how injuriously that trade, passing [through] the United States was to Canada and t[he way of] remedying that must be apparent to eve[ry one, for] they not only passed their "flour" thr[ough the] canals, but allowing Americans to levy [tolls of] twenty per cent upon it, and even then [they sold] that same flour to Nova Scotia, where [there was a] ready market. He would therefore ask h[on. mem]bers whether they could not carry on t[rade] through the Lower Provinces with better ... than allowing by it to go through two or three ... transits, which under the ordinary and the ... things, would be required before the article [reached] this market: may could [sic], and the matter [only need]ed encouragement to meet success. H[he did not] think it necessary to adopt any meas[ure based on] the principle of retaliation or a [retaliatory] policy, but they might have adopted a poli[cy which] would meet the Americans upon the same [ground] and with the same means in which they ... them.⁶⁴ He thought, too, that when the duties where [sic] changed in 1847, the Canadian Government should have granted nothing to the Americans without getting an equivalent advantage.⁶⁵ The Americans could not

con[ceive of] our levying twenty per cent. upon the[ir flour] where they levied it upon ours, or that [we should] not allow their boats to go through our ca[nals with]out that restriction placed by them upon [ours. He] regretted, however, that the hon. Inspector [General] should have abandoned his former policy, [as it was] necessary that they should follow the [policy of] meeting the Americans half-way: to g[ive themselves] that protection which they receive. T[he same] duties should be charged upon their article[s coming] here, as upon our articles going there. W[ith these] observations he would conclude.⁶⁶

MR. CARTIER though supporting the present policy of the Inspector General would have been better pleased to support the policy proposed last session. He could not understand, why that policy should not have been carried out, when it was admitted on all hands that this would be most beneficial to Lower Canada, and while it was evident from the remarks just made by Mr. Stevenson, that all Upper Canada, at least would not be opposed to the plan. However that was not the thing to be then considered. The present resolutions declared to the whole world that Canada was in a sufficiently prosperous position to reduce her taxation. In answer to what Mr. Young had said about the encouragement of the St. Lawrence route being calculated to impose a tax on Upper Canada, he said that the hon. member had himself answered this anticipation, since he had stated on a former occasion that the St. Lawrence was the natural route to the sea from Upper Canada. The hon. member for the South Riding of York had endeavored to show that protection would be very advantageous for Upper Canada⁶⁷, [and] that we should adopt a policy of enco[uraging our] own manufactures and in support of th[at policy] he had pointed to the United States.⁶⁸ If however, such a policy were carried out in all the States of America would the Eastern States be in as prosperous a condition as now? The truth was that if these States were in a prosperous condition, it was at the expense of the Southern and Western States--at the expense of the growers of food and other raw material. What would be the condition of these manufacturing States if the agricultural States were to carry out to its extent the doctrine of Mr. Gamble, and declare that they would not import manufactures, but by establishing a high tariff keeps [sic] to themselves the manufactures of their own raw materials? Massachusetts would be ruined. It was well known too that the agricultural States were clamorous for the reduction of tariff. As to reciprocity, he was greatly in favour of it; but he was glad to hear the Inspector General confess it was not vital, and our present state of prosperity was a proof that it was not. The fact was that while our tariff did not average more than ten or twelve per cent, and the American tariff averaged 25, it was plain the Americans were themselves at their own expense building up the Eastern market for Canada. Besides as had been stated by the hon. member for Montreal, Canadian flour commanded at New York as high a price for exportation as American flour, and the price of both was regulated by the price at Liverpool. Therefore while reciprocity would be valuable, it was not so valuable as to prevent us from proceeding with a policy of our own; nor to frighten Upper Canadians from a policy which should encourage the trade by our own routes.⁶⁹

MR. GAMBLE replied to Mr. Cartier saying that he was inconsistent in denouncing protection while he was in favour of the protective policy proposed in the fall, and again was inconsistent now to vote in favor of resolutions [sic] so entirely different.⁷⁰

MR. STREET was in favor of Mr. Young's resolutions, though he desired to pay the debt as it fell due; but if it were necessary [sic] in order to do this, he would be ready to provide for it in other ways. He, however, did not approve of the resolutions with reference to the Champlain Canal, for he thought that would only serve the American trade and build up a rival emporum [sic] to our

own in the States; but the chief reason why he opposed that resolution was that he thought it useless to construct that canal until it was ascertained that it would be continued to New York by the Americans. He had not made any combinations [*sic*], as had been said by the hon. Inspector to turn out the Government; but he agreed with the hon. member for Montreal to a certain extent and should vote accordingly.⁷¹

MR. INSP. GEN. HINCKS now proposed that the committee do rise in order to go on with the Seigniorial Tenure Bill.⁷²

MR. BROWN opposed this: the whole country was most anxious to see the tariff arranged, and he could understand no reason for putting off discussion, unless the Inspector General were afraid of these combinations.⁷³

MR. ROBINSON ... [said] some words⁷⁴.

MR. INSP. GEN. HINCKS ... said it was perfectly understood the committee was to rise at seven o'clock; it was now half past 7. Had not the hon. member for Kent some amendments to propose, and if so were they in print?⁷⁵

MR. BROWN said no.⁷⁶

MR. INSP. GEN. HINCKS then said there could be no precedent for proceeding without any information having been given to the House as to what these amendments were.⁷⁷

MESSRS. MACKENZIE and BADGLEY, and several other members pointed out the vast importance to the whole mercantile ... community of having this matter settled; while the Seigniorial Tenure might be easily postponed without inconvenience.⁷⁸

MR. H. SMITH (Frontenac) said the difficulty about the postponement of the tariff might readily be met by the expedient adopted in the fall. Give the duties a retroactive effect, as was done with the order about red pine, and the whole thing would be managed.⁷⁹ (Laugh[ter.])⁸⁰ However, as the practice was to leave the management of measures in the hands of members, who had charge of them, he would vote for the committee to rise.⁸¹

MR. BROWN objected to any p[ostponement] ... it was time that this business was se[t]tled....[If there] was any delay it was the fault of [the Inspector] General himself, who had refused to ... the information necessary to enable ... any opinions as to the course they....⁸²

MR. YOUNG also objected to any ... as the season was so rapidly advan[cing] ... merchants were anxious to know w[hat] ... [com]mercial policy was to be.⁸³

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Rose reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

*The Order of the day for the House in Committee on the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof, being read;*⁸⁴

MR. AT. GEN. DRUMMOND fait motion pour que la chambre se forme en comité général pour prendre le bill seigneurial en considération.⁸⁵

MR. BADGLEY then rose to move⁸⁶, en amendement⁸⁷, the resolutions of which he had given notice relative to the Seigniorial Tenure, for the purpose of testing the question whether the Seigniorial Tenure should be continued or set aside. He thought as the abolition of the Tenure would increase the value

of lands in Lower Canada in a short time to the extent of 25 per cent, that the abolition ought to be complete. He further thought the Seigneur ought to have indemnity for the losses that he might sustain. Where the original Seigneur had raised the customary rents, indeed, he believed the Seigneur had cheated the censitaire; but where the parties had purchased either Seigniories or lands this was placed on an entirely different footing.--He did not want to prolong the debate, but bring the matter fairly before the House. Now it was said that he proposed to give too much to the Seigneur⁸⁸ par le bill qu'il a fait imprimer et qu'il se propose de faire substituer à celui de l'honorable procureur-général.⁸⁹ As to the cens et rentes, he gave no more than the censitaire had contracted to pay; as to the waters he gave nothing, but what was granted by the King of France, and as an offset to these he established a fixed manner of commutation for all the casual rights and whether this should be worked out by commission, by arbitrators, or by the parties themselves he laid little stress on. Commissioners had been employed in England in many similar cases, and it was the plan proposed by the bill of the Attorney General. Therefore, without laying much stress on this, he was willing to take what was proposed. What he wanted to get rid of was the stress of the tenure on the censitaire, & to get rid of it immediately--by which he meant of course--only within a certain fixed period.⁹⁰

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The Honorable Mr. Badgley moved, seconded by Mr. Dixon, and the Question being proposed, That it is expedient to provide for the immediate abolition

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of the Feudal and Seigniorial system in Lower Canada, with all laws, usages, and customs incidental thereto: That it is expedient to provide for the immediate conversion of all Lands held en roture in Lower Canada, into the tenure of franc aleu roturier: And that it is expedient to provide forthwith for the indemnity of Seigniors and others, proprietors interested in Seigniories having lands therein connected with the said Tenure of franc aleu roturier;

MR. INSP. GEN. HINCKS was anxious to have an opportunity to express his opinion on this matter, especially as he had seen doubts expressed in some newspapers, as to whether he had ever considered this subject. Had he not done so, he should have been utterly unworthy of being a member of the government. He knew the amount of labour his hon. colleague had had, and he had aided him as much as possible, and he fully took his share of the responsibility. Now every body admitted the necessity of changing the tenure, the only question was how that was to be done--and what were the rights of parties. Now the House had had the opportunity of hearing a most able address from a learned Counsel, who had affirmed in the most positive manner that the Seigniors held their property by the same absolute title as those who owned under a different tenure. All he could say was the gentleman had failed to convince him.--⁹¹ (Ecoutez! écoutez!), et il croit encore que les seigneurs ne sont point propriétaires absolus du sol de leurs seigneuries, mais simplement fidéicommissaires (trustees).⁹² But the hon. member for Montreal now proposed a forcible commutation. He did not think anything would be more disastrous for the country.--What was it that created the outcry at present? Why the abuses of particular Seigniors⁹³.

Ecoutez! écoutez! par les membres français.⁹⁴

MR. INSP. GEN. HINCKS: Oui, c'est la rapacité des seigneurs qui nous oblige aujourd'hui de nous occuper de cette mesure.⁹⁵

Applaudissements des membres français.⁹⁶

MR. INSP. GEN. HINCKS: And how was this to be met by forcing commutation on those persons, who lived under other Seigniors, who had not committed these abuses. His instruction on this question was the hon. Mr. Viger, who long ago had told him that the whole cause of complaint was the abuse of good tenure, and the people did not want commutation.⁹⁷ Ce n'est pas tant de la tenure que l'on se plaint que des abus qui se sont introduits. Comment peut-on forcer ceux qui ne se plaignent point de cette tenure à commuer? Il y a un grand nombre de seigneuries dans lesquelles les exactions ont été peu nombreuses, et il serait injuste d'imposer la nécessité d'une commutation à ces personnes qui n'ont point d'intérêt à le faire, leurs propriétés se transmettant généralement de génération en génération dans la même famille. Il est même probable que l'on ne commuera guère avant de vendre, et l'expérience des seigneur[ie]s dans lesquelles on peut commuer le prouve. Il serait donc souverainement injuste d'imposer une commutation forcée, et cela à cause des exactions des seigneurs. La mesure de l'honorable membre pour Montréal est toute à l'avantage et dans l'intérêt des seigneurs et contre ceux des censitaires.⁹⁸ However, this question of cens et rentes was at the present day one of compromise at any rate, and that compromise was to be effected by fixing a rate as fairly as possible. Then as to the water powers, whenever the Seigniors were made to lose by being deprived of them they were to be compensated fairly. In fact no equitable claim would be slighted; but the Seigniors could obtain no good by asserting such claims as had been put forth on their behalf--by proposing a bill that gave all to the Seignior and nothing to the censitaire.⁹⁹ Ces prétentions extravagantes des seigneurs n'avanceront pas leurs intérêts, et il ne trouveront pas en cette chambre une majorité pour les soutenir. Tout ce qu'il peut dire c'est qu'il faut que les seigneurs aient les yeux fermés pour ne point accepter le compromis que leur offre le bill actuel et ils pourront s'en repentir. (Ecoutez.)¹⁰⁰ The hon. member for Montreal had, however, stated his plan in a frank manner, and it ought to be met as frankly by refusing to force on censitaires, who were satisfied with their condition an involuntary commutation. The bill before the House was not a perfect bill of course--no bill was; but he believed it was based on just principles¹⁰¹, qui devront donner une satisfaction générale.¹⁰²

MESSRS. ROBINSON and STREET expressed themselves, though Upper Canadians, very much interested in this question, and desirous of aiding to settle it in such a manner as would promote the general interest of the country; and both gentleman [sic] expressed themselves in favour of an immediate system of commutation.¹⁰³

MR. STREET est pour l'abolition immédiate de la tenure seigneuriale et en faveur d'une commutation forcée. Cette tenure est mauvaise et empêche le progrès et l'émigration. Il est nécessaire de la détruire, sans délai. Il votera donc pour les résolutions de M. Badgley. En le faisant, il sait qu'il agit contre le vœu et les opinions des représentants du Bas-Canada. Mais lorsque ces questions de section se présentent, ne concernant que le Bas-Canada, il doit exrcer [sic] son propre jugement et voter indépendamment des désirs et de l'opinion des membres de cette section de la province.¹⁰⁴

MR. SOL. GEN. CHAUVEAU (in French)¹⁰⁵: Lorsque l'honorable représentant de Montréal nous disait qu'il ne trouvait à notre projet de loi qu'un défaut, celui de ne pas aller assez loin, je m'étonnais, de sa libéralité et je me disais à part moi: latet anguis in herbâ ou comme nous [sic] disons plus vulgairement: il y a quelqu'anguille sous roche!

L'honorable membre voulait dire sans doute que nous n'allions pas assez loin en faveur des seigneurs; et son projet de loi leur donne tout, et les indemnise encore après leur avoir tout donné. (Ecoutez!)

Il leur donne la propriété de toutes les terres incultes des seigneuries, il leur donne le douzième de la valeur de toutes les terres concédées, il leur donne le droit de banalité et les cours d'eau, questions en litige, en un mot il résout toutes les questions en leur faveur, il leur donne tout, et il les indemnise! De quoi les indemnise-t-il? D'avoir tout reçu? Ou bien de ne plus s'appeler seigneurs, mais bien propriétaires d'immenses étendues de terre?

L'honorable représentant de Welland nous a fait une sorte d'apologie qui montre qu'il a parfaitement compris toute l'injustice, je dirai même tout le ridicule de la position que se font les membres du Haut-Canada en votant pour la proposition de M. Badgley. Il nous a dit qu'il était bien fâché sur une question purement bas-canadienne d'avoir à contrecarrer par son vote les efforts de la très-grande majorité des députés du Bas-Canada; mais que lui et ses collègues du Haut-Canada se trouvaient forcés de voter contre cette injustice, de suivre [sic] leur opinion particulière. La coïncidence qui fait qu'ils entretiennent tous cette opinion particulière sur une question qu'ils ne doivent comprendre que très peu, est au moins étrange et l'on serait plutôt tenté de croire qu'il[s] veulent soutenir par leur vote le grand parti conservateur du Bas-Canada qui dans cette chambre est personnifié par le moteur des résolutions, (M. Badgley) et par lui seul. (Ecoutez!)

Comme l'unique et bien aimé représentant du grand parti conservateur du Bas-Canada vote souvent avec eux sur des questions haut-canadiennes, ils ont voulu en retour voter avec lui. Quelque sont [sic] leur motif le vote qu'ils vont donner scellera leur avenir. Ils font main basse sur un principe qui est la seule sauve-garde de leur existence politique. Ils déclarent que les questions bas-canadiennes sont de leur compétence et que les majorités bas-canadiennes n'en devront pas avoir l'arbitrage. Et cependant chaque jour, eux qui ne sont cependant pas une majorité haut-canadienne, eux qui ne sont qu'une faible minorité viennent nous supplier de ne pas législater sur les questions haut-canadiennes parceque disent-ils la majorité n'est pas assez prononcée. S'ils ne trouvent pas la majorité haut-canadienne assez forte pour législater pour eux, de quel droit viendraient-ils législater contre l'unanimité des représentants du Bas-Canada, moins l'honorable membre pour Montréal et son parti, qui est malheureusement pour lui, absent de cette chambre. (Ecoutez! Ecoutez!)

Et quelle question choisissent-ils pour répudier leur principe de non intervention? Une question qui touche à la base de la société bas-canadienne, une question pour la solution de laquelle il faut connaître intimement les lois, les usages, les mœurs de notre population, une question enfin qui de toutes les questions est celle où ils sont le moins compétents.

Et quel moment choisissent-ils pour cette dangereuse expérience? Le moment où leur parti est aux abois, le moment où le flot de la démocratie les envahit de toutes parts, le moment où ils nous demandent chaque jour de nous abstenir dans les questions qui les concernent. Certes, s'ils doivent subir les conséquences du principe qu'ils posent ce soir, ils pourront dire que l'alliance de l'unique représentant du parti conservateur du Bas-Canada leur aara [sic] coûté plus qu'elle ne vaut.

Le système compulsoire de commutation appliqué indistinctement à tout le Bas-Canada serait, dans beaucoup d'endroits, une loi d'expropriation non pas contre les seigneurs, mais contre les censitaires. L'idée ne pouvait en venir qu'à l'honorable membre qui nous disait, il y a quelques jours, qu'il trouvait que notre projet de loi n'allait pas assez loin. C'est le vieil esprit, la pensée constante de la petite fraction tory du Bas-Canada qui est ressuscitée dans le projet de loi du moteur. La loi proposée par le gouvernement est une loi de conciliation, de justice, de réforme progressive. Le projet de loi de l'opposition qui s'appelle conservatrice, est une loi qui dépouille brusquement et forcément le censitaire au profit du seigneur. Et de quel droit forcer à la commutation les localités qui n'en veulent pas? Vous voulez affranchir ces

gens-là malgré eux, c'est très bien; mais alors faites-le à vos dépens, et ne les ruinez pas pour leur donner une liberté dont ils ne veulent pas. Je conçois que l'on décrète l'abolition pure et simple de tous les droits seigneuriaux avec indemnité payée par l'état, mais que l'on force les censitaires à se racheter eux-mêmes, c'est ce que je ne conçois pas. Vous voulez donner la liberté à des serfs, dites-vous, à des esclaves, à la bonne heure! mais que ce soit un présent et non pas une vente. L'Angleterre a affranchi ses esclaves, et elle a indemnisé leurs maîtres; mais elle n'a pas forcé ses esclaves à se racheter dans un temps donné! (Ecoutez!)

L'idée qu'une majorité accidentelle dans cette chambre, semblable à celle que le parti tory avait obtenu il y a quelques années, alors qu'il n'avait pas pour unique représentant [sic] l'honorable moteur--l'idée que ce parti, au moyen d'une majorité de membres du Haut-Canada, qui ne comprennent rien à la question, pourrait forcer les habitants du Bas-Canada à la commutation, nous montre un des plus grands dangers de l'acte d'union, et c'en serait une des plus monstrueuses conséquences.

Et quelle raison donne-t-on pour un acte de législation aussi hardi? L'inconvénient qu'a pour les seigneurs la rentrée partielle et à longs intervalles de leurs capitaux? Mais est-ce donc là une si grande injustice, surtout lorsque l'intérêt continuera à courir pour eux sur l'évaluation de leurs droits casuels jusqu'au jour de la commutation?

L'acte passé par le parlement impérial par l'influence de certains seigneurs, cet acte fait par les seigneurs et pour les seigneurs, applique le même principe, celui de la commutation facultative. Il est statué dans cet acte connu vulgairement comme l'Acte des Tenures du Canada, que, d'un côté, les seigneurs auront le droit de commuer avec la couronne, de s'affranchir comme vassaux, mais à la condition que le vassal affranchi affranchira de suite ses censitaires....lorsque ceux-ci voudront l'indemniser. Mais l'acte des tenures, si partial en faveur des seigneurs, n'a point pourvu à ce que les censitaires seraient forcés de se racheter dans un temps donné.

L'honorable membre qui trouve que nous n'allons pas assez loin, voulait en effet aller bien loin en faveur des seigneurs. Il voulait sous tous les rapports leur donner plus qu'ils n'ont jamais demandé, leur donner plus que l'acte des tenures, fait par eux et pour eux,¹⁰⁶ which was always looked upon as a most arbitrary and tyrannical measure¹⁰⁷, ne leur avait donné.

Le parlement impérial n'a pas cru, lui, qu'il dût forcer les habitants du Bas-Canada à racheter leurs droits seigneuriaux dans un temps donné, il n'a pas cru qu'il ruinerait les seigneurs en laissant la commutation facultative, et je pense que, lorsque nous pouvons citer à l'appui de notre législation un acte du parlement impérial passé dans l'intérêt des seigneurs, on aura mauvaise grâce à crier à la spoliation.

Mais l'honorable moteur ne nous a pas dit de quels torts, de quels griefs il voulait indemniser les seigneurs. Ou il admet qu'ils sont propriétaires sans restriction des terres non concédées de leurs seigneuries, ou il en doute comme quelques-uns paraissent en douter, ou il ne nie préemptoirement comme l'ont nié la très-grande majorité, j'oserais dire l'unanimité des jurisconsultes du pays, s'il ne m'en fallait pas excepter l'avocat que nous avons entendu à la barre, et probablement avec lui l'honorable représentant de Montréal.¹⁰⁸

MR. BADGLEY.--Je ne soutiens pas les doctrines qui ont été exposées à la barre.¹⁰⁹

MR. SOL. GEN. CHAUVEAU.--Tant pis pour la logique de l'honorable membre s'il ne soutient pas les doctrines de l'avocat des seigneurs, il fait bien plus que cela, il les met en pratique. Il donne de fait les terres non concédées aux seigneurs, et s'il ne convient pas qu'ils y ont droit, il faut

qu'il les leur donne pour les indemniser de quelque chose; et de quelle chose enfin? Car il leur donne tout et il les indemnise encore à part des terres qu'il leur laisse en pleine propriété! (Ecoutez.)

Certes les alliés torys de l'honorable membre peuvent très bien voter pour cette mesure s'ils ont juré de lui donner leur appui en toutes choses. Mais je serai bien trompé, ou ils auront une occasion de voir toute la force de leur allié.¹¹⁰ "Oh that mine enemy would write a book." The hon. member is alone, or he has put in black and white the views of the conservatives with reference to the rights of Seigniors and censitaires of Lower Canada, and those hon. gentlemen might rest assured their views would be properly appreciated.¹¹¹

Il a mis sur le papier en blanc et en noir que la commutation devait être compulsoire, et que le censitaire, pauvre ou riche, qu'il le veuille ou qu'il ne le veuille pas, doit se racheter à beaux deniers.

Il a mis sur le papier, en blanc et en noir, que les seigneurs sont propriétaires sans difficulté et sans restriction de toutes les terres non concédées, qu'ils doivent avoir de plus un douzième de la valeur de toutes les terres concédées!

Il a mis encore sur le papier, en blanc et en noir, que les seigneurs ont un droit exclusif aux cours d'eau, que la banalité est un droit coutumier et non pas conventionnel!

Il a par là montré toute la sincérité des déclamations de ce parti contre la tenure seigneuriale, toute la sincérité de leurs protestations de sympathie envers les censitaires.

Leurs longues plaintes contre la tenure féodale ne cachent qu'une seule chose, le désir de forcer plus facilement les anciens possesseurs du sol à déguerpir. Cette idée a pu être longtemps entortillée dans de grandes phrases, dans de grands mots de libéralisme et de progrès, mais c'était là l'idée. Le serpent qui était caché sous l'herbe montre sa tête, et maintenant ce n'est plus le cas de dire comme je l'avais dit en commençant: Latet anguis in herbâ!¹¹²

MR. ROSE after some preliminary remarks stated that he had not fully made up his mind as to the details of the measure. From this he proceeded to remark on the argument of the learned counsel who spoke at the bar, and to contend that he did not believe the Seignior was the proprietor of the soil,--that is as holding a fee simple. He viewed the question in a disinterested manner; he believed legislation was needed; and to the best [of] his ability he would endeavor to do impartial justice.¹¹³ [Il] se prononce contre les résolutions de M. Badgley.¹¹⁴

MR. VIGER (in French) said the point on which the resolution turned was, whether the legislature should cause the Seigniorial tenure to disappear, and the seigniors to be indemnified. He complained that the argument of the Inspector General was most unjust. He (Mr. V.) was in favor of a just commutation. He explained that he was a seignior¹¹⁵. Il dit qu'il est seigneur pour avoir acheté une seigneurie lui-même et comme mari de sa dame qui est elle-même propriétaire de seigneuries.¹¹⁶ The last concession in his seigniorship had been made forty years ago, but no complaint had ever been made by his censitaires. The agitation against the tenure was very recent, and, as he understood, was not general.¹¹⁷

Several French members rose and said it was general.¹¹⁸

MR. VIGER, continued: well what did they want?¹¹⁹

MR. MONGENAIIS interrupted and said, all to be paid back that the seigniors have improperly exacted. (Loud laughter from all parts of the House.)¹²⁰

MR. VIGER prétend que toutes les requêtes qui ont été présentées à la législature demandent l'abolition immédiate de la tenure et une commutation forcée.¹²¹

MESSRS. REC. GEN. TACHE, CHAPAIS, JOBIN, et plusieurs autres membres protestent contre cet avancé, et disent que ce n'est pas le cas pour leurs comtés.¹²²

MR. MONGENAIS dit qu'il a présenté plus de 11 pétitions du comté de Vaudreuil qu'il représente, demandant non l'abolition de la tenure, mais la réforme des abus.¹²³

MR. VIGER continue: Si l'on ne demande pas l'abolition de la tenure, mais seulement la réforme des abus, les cours de justice ne sont-elles pas compétentes pour cela?¹²⁴

M. Viger soutient que les tribunaux ont juridiction pour diminuer le taux des cens et rentes et réprimer les abus. Dans les cas de refus de la part du seigneur de concéder, il est vrai qu'il fallait aller devant le gouverneur et l'intendant, et les pouvoirs du gouverneur et de l'intendant n'ayant pas été transmis aux tribunaux, ces derniers ne peuvent forcer le seigneur à concéder, mais l'intendant seul avait le droit de réprimer les abus et d'empêcher les exactions, et les pouvoirs des intendants ont été transmis aux cours de justice. Il ne faut pas confondre les pouvoirs du gouverneur et de l'intendant réunis, et les pouvoirs de l'intendant seul, et M. Viger soutient que l'intendant avait juridiction pour fixer le taux des cens et rentes.

M. Viger soutient qu'il n'y a jamais eu de taux de fixé pour les cens et rentes. Il voit dans la correspondance de MM. Hocquart et Beauharnois qu'il est dit qu'il y a une grande variété de taux de cens et rentes,¹²⁵ that there never was any rates of rent fixed before the cession of the country to England: and from that he inferred these were regulated by the value of the land. That was a strictly logical inference, and one in which he was by no means personally concerned.¹²⁶ D'ailleurs, c'est une question qui doit être portée devant les tribunaux du pays et non devant ce tribunal. Nous avons des tribunaux qui doivent juger des difficultés entre parties; ce sont eux seuls qui sont compétents en cette matière. Mais on dit que les tribunaux sont composés de seigneurs. C'est un singulier principe, qu'il ne peut admettre. Ces tribunaux ont jugé en connaissance de cause, et ont confirmé les stipulations faites entre les parties, dans les contrats de concession. D'ailleurs, les censitaires n'ont-ils pas un appel de ces décisions aux cours d'appel et au conseil privé de Sa Majesté? On n'a pas fait cela, et on a préféré venir devant une chambre composée de seigneurs et de censitaires, et des membres du Haut-Canada, qui seuls sont désintéressés dans cette question.¹²⁷ Hon. members talked about judges but were not the members of this House from Lower Canada for the most part censitaires.¹²⁸ Il n'a pas de doute que cette question sera jugée par les censitaires, puisqu'il y a à peine deux seigneurs dans la chambre; or, les censitaires ne peuvent être impartiaux.¹²⁹ He admitted as he had done at Toronto, that for the public good the seignior ought to be obliged to commute the tenure; but, you, notwithstanding what may have been the contracts agreed upon for long years require that he shall commute at a value you shall fix, much lower than before contracted for¹³⁰; mais si on prend sa propriété, on doit l'indemniser, soit à dire d'experts, soit par un verdict d'un jury ou autrement. Mais on ne veut pas cela; on oblige le seigneur de commuer quand le censitaire le voudra. Dans cent ans d'ici, le censitaire pourra commuer pour le montant qui sera marqué sur le cadastre, fait maintenant. Il ne sera tenu de payer la commutation que pour la valeur qu'avait la terre lorsque le cadastre a été fait. Mais la propriété a pu augmenter de valeur. Il est en faveur d'une commutation immédiate et compulsoire. Il n'y a pas d'honnêteté dans le mode proposé. Il désire que la tenure soit abolie immédiatement, et que le censitaire ait quinze années pour payer le prix de commutation.¹³¹ This was much for him a seignior to say, but he desired peace and to have this question settled.¹³²

M. Viger dit qu'il n'a pas commis d'injustice dans sa seigneurie et qu'il est prêt à réparer celles qu'on lui prouvera avoir été faites. Il fait mention

d'une requête signée par une centaine de ses censitaires de la paroisse St-Esprit, faisant un éloge de sa conduite comme seigneur. Il ajoute qu'il a été élu comme seigneur. Il se réserve, lorsque la chambre ira en comité sur le bill, de voter contre les clauses du bill qu'il désapprouvera. Parcequ'il a voté pour la seconde lecture du bill, ce n'est pas à dire qu'il votera pour toutes les clauses. Mais il est en faveur des résolutions de M. Badgley.¹³³

MR. MARCHILDON (in French) partook of the views of the hon. member who had just sat down, and made some further remarks, after which he said, he would vote on the second reading of the bill.¹³⁴

MR. CAUCHON (in French)¹³⁵ dit qu'il a hésité à parler et qu'il parle avec beaucoup de difficultés. Il y a beaucoup de doutes dans son esprit pour savoir quelle est la loi réelle. Il a écouté ce qui a été dit, et plus il a écouté, plus il a de doutes. Il est parfaitement libre et il ne ressent pas la pression de l'opinion publique sur cette question. Dans son comté, on ne se plaint pas de la tenure seigneuriale, et il n'y a aucun abus. Les rentes y sont peu élevées.

M. Cauchon répète qu'il a beaucoup de doutes. Si on prenait la jurisprudence telle qu'elle existait en France avant la révolution, il aurait moins de doutes; mais il est difficile de déterminer quelle est la jurisprudence ici. Il croit que la commutation forcée est la meilleure,¹³⁶ but he believed the general opinion was against a forced commutation. The sooner the question was settled the better it would be for all; for as he had before stated, he feared that such was the disrepute of this tenure that those who would not do any ordinary immoral act, nevertheless would regard the rights of seigniors as of little value.¹³⁷ Il a entendu avec chagrin des gens parfaitement honnêtes du reste, dire qu'ils sont prêts à faire main basse sur les droits seigneuriaux. L'instinct de l'intérêt emporte sur la raison. Le plus tôt l'on en viendra à une conclusion, le mieux ce sera.¹³⁸ Entertaining these views he would support the principle of the resolution before the House although he did not pledge himself to the details of the hon. member's plan. He would express his opinions on these in committee. He held that for the sake of society the Legislature had the right to enact that this tenure should cease, but indemnity must follow that, if just rights were invaded.¹³⁹ Mais il y a une question de moralité publique à considérer; il craint que l'agitation de la question ne conduise à des excès et il désirerait voir une solution de cette question. Il aimerait à voir des concessions de part et d'autre, et qu'on réglât cette question par compromis. De cette manière la question serait réglée plus facilement. Les seigneurs pourront exercer beaucoup d'influence contre la mesure en Angleterre, si elle n'est pas réglée ainsi.

M. Cauchon dit que la question des cours d'eau présente beaucoup de difficultés, mais il ne se prononce pas. Il ajoute que si on n'était pas si fortement opposé à la commutation forcée, il serait en sa faveur, malgré que ce soit contre l'intérêt de ses électeurs. Mais l'opinion est si fortement opposée à cela, qu'il se croit tenu de voter contre les résolutions de M. Badgley.¹⁴⁰

MR. LACOSTE (in French)¹⁴¹ est en faveur d'une commutation forcée et immédiate. Il dit que le bill de M. Drummond au lieu d'abolir la tenure seigneuriale, l'a [sic] perpétuera.¹⁴² The lods et ventes in a general system of commutation ought to be redeemed by society, for they affected the interests of all.¹⁴³

MR. LEBLANC (in French) spoke in a tone of voice so low as to be indistinctly audible.¹⁴⁴

DR. LATERRIERE (in French) thought they should begin by discussing whether property were a theft or a right. The arguments of the Inspector General went to induce belief in the former.¹⁴⁵

MR. CHAPAIS (in French) said¹⁴⁶: M. l'orateur,--Les opinions que viennent

d'exprimer plusieurs honorables membres siégeant de ce côté de la chambre (les conservateurs) sur l'importante mesure actuellement en discussion, me semblent fort étranges. Ces messieurs ont l'air de croire que nous, membres du Bas-Canada, qui sommes en faveur de la mesure de l'honorable procureur-général, nous sommes venus ici avec l'intention bien arrêtée de spolier les seigneurs de leurs justes droits, à l'avantage des censitaires. Telle n'est pas, Monsieur, la pensée de mes honorables amis ni la mienne. Je repousse avec énergie, et pour eux et pour moi, une semblable idée. Elle n'est entretenue par personne ici. Ce que nous voulons, ce que nous demandons, c'est de la justice; mais justice égale, justice pour le riche et justice pour le pauvre, justice pour le seigneur, mais aussi justice pour le censitaire; justice enfin pour tous.

D'après ce que je viens d'entendre dire à ces messieurs, il est aisé de se convaincre que toutes leurs sympathies sont pour les seigneurs; il n'y a que pour leurs droits qu'ils manifestent des craintes, que pour leurs privilèges qu'ils réclament justice. Peut-être que si les honorables messieurs connaissaient mieux l'état du pays, s'ils étaient plus au fait de ce qui s'est passé dès avant et surtout depuis la conquête, ils auraient d'autres idées, ils exprimeraient d'autres opinions plus en harmonie avec celles des représentants du Bas-Canada.

Je ne prétends pas discuter ce soir le mérite ou le démérite du bill sous considération, je me réserve à le faire devant le comité général. Je désire aussi qu'il soit bien compris que les remarques que je pourrai faire dans le cours de cette discussion ne s'adresseront en aucune manière aux honorables membres de cette chambre qui sont eux-mêmes seigneurs. Je les regarde comme exempts de tout blâme et j'ai pour eux personnellement le plus grand respect.

Quoique j'aie reçu des électeurs du comté de Kamouraska un mandat impératif au sujet de la commutation forcée dont ils ne veulent pas, je puis néanmoins voter pour la mesure de mon savant ami, l'honorable procureur-général. La clause qui règle qu'il faudra que les deux tiers des censitaires d'une seigneurie demandent la commutation pour qu'elle puisse se faire en masse, m'offre une garantie suffisante en faveur de l'opinion ci-dessus.

Je regarde comme un triomphe pour la grande cause de la réforme de la tenure seigneuriale, le fait que cette mesure est enfin parvenue au point où je la vois en ce moment devant cette chambre. Voilà plus d'un demi-siècle, M. l'orateur, que le peuple de cette colonie demande, à grands cris, la justice que le présent gouvernement paraît enfin disposé à lui accorder; et pendant un demi-siècle il n'a pu parvenir à se faire entendre effectivement. Ce fait est d'autant plus extraordinaire et remarquable que pendant tout ce temps, comme en ce moment, cette branche de la législature était dans les mains et au pouvoir du peuple qui l'élisait. A quelle cause donc attribuer un si singulier effet? A une cause, certes, que tout le monde connaît: à une pression qui se faisait sentir, quelque part, d'une manière bien étrange et surtout bien dommageable aux intérêts de la grande masse des habitants de cette province. Eh bien! cette cause existe encore un peu aujourd'hui, cette pression se fait encore sentir quelque part. Plaise à Dieu que ça ne soit pas à un degré assez fort pour paralyser ou neutraliser les efforts qui se font ici pour mener à bonne fin cette grande affaire! Plus on la retardera et plus il sera difficile de la régler, et moins il y aura de chance de le faire équitablement. Cette question prend chaque jour des proportions plus grandes, elle est aujourd'hui une question d'ordre public, une de ces questions brûlantes qu'il est important pour tous de voir régler le plus tôt possible.

J'ai été extrêmement surpris, M. l'orateur, au commencement de ce débat, de voir la position prise par le savant conseil entendu à la barre de cette chambre au nom et dans l'intérêt des seigneurs. Le savant monsieur a montré, dans son plaidoyer, des connaissances étendues que je lui accorde volontiers et

un talent remarquable qu'on ne peut lui contester. Mais la prétention qu'il a émise et qu'il s'est évertué de prouver, per fas et nefas, que les seigneurs sont propriétaires réels de leurs seigneuries, m'a paru si étrange et si contraire à ce qu'il y a de plus clairement écrit dans la loi à ce sujet, que j'ai cru que le savant monsieur n'émettait ce principe que pour le plaisir de se donner l'occasion d'une longue argumentation et pour produire une espèce de tour de force propre à mieux faire ressortir ses talents et sa haute habileté. Je ne puis expliquer autrement ce que j'appellerai la témérité de l'éminent juriste. Je ne sais ce que cette argumentation a produit sur l'esprit de la chambre, mais pour ce qui me regarde, le savant monsieur a complètement failli et pendant toute cette partie de son plaidoyer il m'a fait l'effet d'un homme s'efforçant d'escalader une muraille inaccessible. En effet si l'on consulte les autorités reçues, à cet égard, on voit de prime abord, qu'il n'y a rien de mieux établi et de plus clairement prouvé que le contraire de la prétention du savant monsieur. Voyns [sic] d'abord l'édit du 6 juillet 1711. On y lit ce qui suit: "Sa Majesté, étant aussi informée qu'il y a quelques seigneurs qui refusent, sous différents prétextes de concéder des terres aux habitants qui leur en demandent, dans la vue de pouvoir les vendre, leur imposant, en même temps, des mêmes droits de redevances qu'aux habitants établis, ce qui est entièrement contraire aux intentions de Sa Majesté et aux clauses des titres de concession par lesquelles il leur est permis seulement de concéder les terres à titres de redevance, etc.," et plus loin: "Sinon et à faute de ce faire, permet aux habitants de leur demander les dites terres par sommation, et, en cas de refus, de se pourvoir par devant le gouverneur, le lieutenant-général et l'intendant du dit pays auxquels Sa Majesté ordonne de concéder aux dits habitants les terres par eux demandées dans les dites seigneuries, aux mêmes droits imposés sur les autres terres concédées dans les dites seigneuries, lesquels droits seront payés par les nouveaux habitants entre les mains du receveur du domaine de Sa Majesté, etc., sans que les seigneurs en puissent prétendre aucuns sur eux," etc.

Eh bien! je le demande maintenant, après avoir lu cette ordonnance, est-il un homme qui osera soutenir gratuitement que les seigneurs ont la propriété réelle de leurs seigneuries? Assurément il faut être largement payé pour avoir ce courage. S'ils ont cette propriété réelle, pourquoi est-il stipulé dans leurs lettres patentes qu'ils auront droit de se réserver un domaine pour leur usage personnel? Non, monsieur, ils ne tiennent leurs seigneuries qu'à titre de fidei-commis, si je puis m'exprimer ainsi. Ils sont obligés de les concéder, aux taux accoutumés, (taux qui lors de l'édit de 1711 ne dépassaient pas deux sols!!) à ceux qui leur demanderont des terres; de les faire défricher, d'y établir des habitants, etc. Et s'ils ne le font pas, leurs seigneuries leur seront ôtées et réunies au domaine de la couronne. Et, s'ils refusent de concéder, aux taux accoutumés, à ceux qui leur [sic] demanderont des terres, les censitaires "ont droit de les sommer de le faire et de s'adresser à l'intendant qui les leur concédera aux mêmes droits imposés sur les autres terres concédées dans les dites seigneuries, lesquels droits seront payés à la couronne sans que le seigneur en puisse rien exiger." Si ces citations textuelles ne prouvent pas que les seigneurs n'ont jamais été et ne sont pas les propriétaires réels de leurs seigneuries elles ne prouvent rien.

Un mot maintenant du bill lui-même. En disant que je lui donnerais mon appui, monsieur, je n'ai pas prétendu m'engager à le faire sans introduire moi-même ou sans soutenir les amendements qui seront présentés par mes honorables amis, en comité général. Il est surtout un point où je diffère essentiellement d'opinion avec le savant auteur du bill, je veux parler du quantum de la rente qu'il fixe à quatre sols. Je ne puis voir sur quelle autorité mon savant ami a pu s'appuyer pour établir un tel taux: au contraire je vois une multitude de raisons qui auraient dû l'induire à ne pas excéder deux sols. Car, à venir

jusqu'à 1711, il est parfaitement établi que dans toutes les seigneuries, les charges accoutumées ou étoient [sic] au-dessous ou ne s'élevaient pas au-dessus de deux sols, (3 ou 4 seigneuries, peut-être, exceptées.)

Mais j'ai entendu quelqu'un dire: "C'est par compromis que la chose est réglée ainsi." Singulier compromis, monsieur, par lequel on charge à l'un la moitié plus qu'il ne doit sans que l'autre n'abandonne rien du sien! Ce n'est pas ainsi, pour ma part, que j'entends un compromis, et les censitaires, j'en suis sûr, ne l'entendront pas non plus de cette façon. Je ferai la plus énergique opposition à cette clause et je me flatte que la chambre ne la supportera pas. Ce serait une monstrueuse injustice [sic] commise en faveur du seigneur au détriment du censitaire. Rien n'autorise les seigneurs à exiger une telle rente et tout au contraire permet aux censitaires de demander qu'elle soit réduite à deux sols, c'est le maximum que les seigneurs ont droit d'espérer.

J'ai dit, monsieur, que je voulais justice pour tous: justice pour le censitaire et justice pour le seigneur. Or voici comment j'entend rendre justice aux uns et aux autres. Je divise les droits des seigneurs en trois catégories: droits légaux et légitimes, droits acquis bonâ fide, droits acquis par empiétation. Les premiers de ces droits, les droits légaux et légitimes, sont sacrés à mes yeux et on ne peut y toucher sans indemniser le seigneur jusqu'à la dernière obole pour tout ce qui lui sera ôté. Les seconds sont d'une nature différente, mais ne me paraissent pas moins légitimes, je fais allusion aux droits acquis de bonne foi. Ces droits sont encore de ceux que l'on doit respecter, et les propriétaires, n'en peuvent pas être dépouillés, suivant moi, sans compensation. Un acquéreur probe et honnête achète une seigneurie, il la paye huit mille [sic] louis. Avant de faire l'acquisition, il a pris connaissance des revenus que l'immeuble pouvait donner et donnait réellement depuis plusieurs années. Il a acquis de bonne foi, il a payé les droits dus à la couronne, il a acheté sous la protection des lois existantes, il n'a pas commis d'exactions, ni fait d'empiétations, eh bien! cet homme doit-il perdre son capital? Assurément non. Mais ici s'élève une autre question. Qui doit indemniser ce seigneur? Le propriétaire actuel n'a pas fait d'empiétations, mais ses auteurs en ont fait de très grandes, et l'autorité, gardienne et protectrice du faible contre le fort, n'est pas intervenue, au contraire elle a encouragé jusqu'à un certain point des actes qu'elle devait réprimer. Sera-ce le malheureux censitaire qui payera encore pour se libérer des exactions futures dont il a été la victime dans le passé? Non Monsieur, je ne pense pas qu'une telle idée entre dans l'esprit d'aucun honorable membre de cette chambre. C'est le gouvernement qui a laissé faire le mal, c'est le gouvernement qui, je puis le dire, l'a encouragé, eh bien c'est le gouvernement qui doit le réparer; dans ce cas, le censitaire devra payer les droits légitimes dont il voudra se libérer et le gouvernement arrangera le reste. C'est juste, c'est équitable, c'est de droit. J'ai placé dans la troisième catégorie [sic] les droits acquis par empiétations. Ici permettez-moi une comparaison: Je suppose deux seigneuries voisines, de même grandeur, ayants [sic] les mêmes améliorations, moulins, domaines, etc. L'une est la propriété d'un seigneur probe, honnête et libéral; il a agi suivant la loi, la justice, l'honneur et l'équité; sa seigneurie lui donne cinq cents louis de revenue par année. L'autre appartient à un homme qui a commis toutes sortes d'exactions, qui a élevé le taux des concessions outre mesure, qui a pressuré ses censitaires de toute façon; il a renflé le montant de ses revenus à huit cents louis. Que ferez-vous? Donnerez-vous à ce mauvais seigneur le capital représenté par ses rentes, tandis que l'autre recevra un tiers moins parce qu'il aura été honnête et bon? Non certes, je ne le pense pas. Au contraire, j'espère que justice sera faite. Pour moi je serai sans pitié pour les spoliateurs et je prétends qu'il ne leur soit pas laissé un denier de ce qui ne leur appartient pas.

Je n'en dirai pas plus long pour le moment. Je me réserve à parler sur le bill même lors de la discussion en comité général; en conséquence j'ai voté pour la deuxième lecture. Je suis loin de trouver cette oeuvre parfaite, mais je pense que c'est un heureux coup d'essai qui pourra s'améliorer avec le temps et qui, vu l'importance et la difficulté du sujet fait beaucoup d'honneur à son auteur. Je voterai contre les résolutions maintenant en discussion. Je ne pense pas qu'elles aient été mises devant la chambre dans un but sérieux.¹⁴⁷

MR. BROWN agreed with the resolutions of the hon. member for Montreal in as far as they expressed an opinion in favor of the change of the tenure; but he thought they were drawn up too much in favor of the Seigniors.¹⁴⁸ Il croit qu'un délai doit être accordé aux censitaires pour le rachat des droits seigneuriaux.¹⁴⁹ If the Bill of the Attorney General were passed without a clause to abolish the tenure, it would place the abolition further off than ever, as it would remove the abuses and then there would be no demand for change.--He could not agree to that. He would object to pay any public money unless there were an abolition of the tenure; but he would be willing to pay something to sweep the thing away. He should move an amendment just to affirm the ... principle that it was desirable to abolish the tenure. The details of the plan he left open. He put an amendment accordingly.¹⁵⁰

(698)

Mr. Brown moved in amendment to the Question, seconded by Mr. Lyon, That all the words after "expedient" to the end of the Question be left out, in order to add the words "that the basis of any measure in regard to the Seigniorial Tenure, should be the extinction of the said Tenure at a fixed period, and the substitution of a Freehold Tenure in lieu thereof, regard being had to the rights of all parties" instead thereof;

Here some points of order were raised¹⁵¹;

(698)

And a Debate arising thereupon;

Mr. Dixon moved, seconded by Mr. Gamble, and the Question being put, That the Debate be adjourned until Monday next; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Dixon, Gamble, Lyon, Sir A.N. MacNab, Malloch, Robinson, Street, Terrill, and Viger.--(10.)

NAYS.

Messieurs Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Attorney General Drummond, Duhord, Dumoulin, Fortier, Gouin, Hartman, Hincks, Jobin, Lacoste, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Mackenzie, Marchildon, Mattice, McDougall, Mongenais, Morin, Patrick, Polette, Poulin, Rose, Sicotte, Stuart, Taché, Valois, Varin, White, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(41.)

So it passed in the Negative.

MR. BADGLEY referred to the petitions which had been presented to the House and said they were for the total abolition of the Seignioral [sic] tenure. There was a difference between his (Mr. B's) and the hon. member's amendment. His (Mr. B.'s,) was for an immediate abolition of the tenure--the hon. member's fixed a period; and in that it very nearly approached the opinions of the late Attorney General, Mr. Lafontaine. Here the hon. member read a resolution moved by Mr. Lafontaine in committee in 1850, which he considered the same principle as that of the hon. member for Kent. The hon. member proceeded to speak in

review of the debate. The Inspector General he said had begged the whole question in his remarks. He denied that he was the organ of the Seigniors as stated by the Inspector General but he had always been in favor of commutation as was well known. He would vote for the amendment of the hon. member for Kent as it affirmed the principle he desired to carry out.¹⁵²

In answer to Messrs. Drummond and Street, MR. BADGLEY said he should consider his bill would be dropped if his resolutions were lost, but they did not pledge the House to anything further than the affirmation of a principle.¹⁵³

(698-699)

And the Question being put, That all the words after "expedient" to the end of the Original Question be left out, in order to add the words "that the basis of any measure in regard to the Seigniorial Tenure, should be the extinction of the said Tenure at a fixed period, and the substitution of a Freehold Tenure in lieu thereof, regard being had to the rights of all parties" instead thereof; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brown, Burnham, Dixon, Gamble, Lacoste, Langton, Lyon, Sir A.N. MacNab, Malloch, Robinson, Street, Viger, and Wright of West Riding of YORK.--(14.)

NAYS.

Messieurs Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Attorney General Drummond, Dubord, Dumoulin, Fortier, Gouin, Hartman, Hincks, Jobin, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Mackenzie, Marchildon, Mattice, McDougall, Mongenais, Morin, Patrick, Polette, Poulin, Rose, Sicotte, Stuart, Taché, Terrill, Valois, Varin, White, and Wright of East Riding of YORK.--(38.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Dixon, Gamble, Lacoste, Langton, Sir A.N. MacNab, Malloch, Robinson, Street, Viger, and Wright of West Riding of YORK.--(12.)

NAYS.

Messieurs Brown, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Attorney General Drummond, Dubord, Dumoulin, Fortier, Gouin, Hartman, Hincks, Jobin, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Mackenzie, Marchildon, Mattice, McDougall, Mongenais, Morin, Patrick, Polette, Poulin, Rose, Sicotte, Stuart, Taché, Terrill, Valois, Varin, White, and Wright of East Riding of YORK.--(39.)¹⁵⁴

So it passed in the Negative.

The Honorable Mr. Attorney General Drummond, a Member of the Executive Council, by command of His Excellency the Governor General, acquainted the House that His Excellency, having been informed of the purport of the Bill, gives his consent as far as Her Majesty's interest is concerned, that the House may do therein as they shall think fit.

Then the House resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Lyon reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Monday next, and be then the first Order of the day.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of Mr. Wright of the West Riding of York, seconded by Mr. Wright of the East Riding of York,

The House adjourned until Monday next.

APPENDIX: 8 APRIL 1853.

[DISCUSSION RE: GOVERNMENT BUSINESS; FIXING OF NEW GOVERNMENT DAY.]

MR. INSP. GEN. HINCKS said that, of those measures which the Government had introduced, the greater number they considered it indispensable [sic] to carry through during the present parliament. As far as the members of the Government were concerned, they were less interested in the length of the session than other honorable members and they were quite prepared to stay as long as honorable gentlemen might desire; but if they were to go on with the business of the Government, it would be necessary for them to have another day, and he hoped that the House would not object to that course. With regard to the scene that they had had on the preceding day he thought that some measure should be adopted to proceed with the business of the House.¹⁵⁵

Some further discussion took place and it was finally agreed that Thursday should be made a Government day in addition to Tuesday and Friday and that on Monday next all the orders of the day that were unopposed should be set aside to be disposed of at once.¹⁵⁶

FOOTNOTES: 8 APRIL 1853.

1. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 13 April 1853, MONTREAL GAZETTE, 18 April 1853 (in a supplement), BRITISH COLONIST, 19 April 1853, PILOT, 19 April 1853, HAMILTON SPECTATOR SEMI-WEEKLY, 23 April 1853 (which copied from QUEBEC MERCURY of unknown date), and HAMILTON SPECTATOR WEEKLY, 28 April 1853 (which copied from QUEBEC MERCURY of unknown date); BRITISH WHIG, 11 April 1853, HAMILTON SPECTATOR DAILY, 11 April 1853, GLOBE, 12 April 1853, and LA MINERVE, 12 April 1853. The debate was also reported by GLOBE, 26 April 1853 (which account was virtually illegible for most of its length because of close binding). The debate was noted by BRITISH WHIG, 9 April 1853 (which misdated its account as 7 April 1853).
2. GLOBE, 26 April 1853.
3. MORNING CHRONICLE, 13 April 1853.
4. GLOBE, 26 April 1853.
5. IBID.
6. IBID.
7. MORNING CHRONICLE, 13 April 1853.
8. GLOBE, 26 April 1853.
9. MORNING CHRONICLE, 13 April 1853.
10. GLOBE, 26 April 1853.
11. MORNING CHRONICLE, 13 April 1853.
12. GLOBE, 26 April 1853.
13. MORNING CHRONICLE, 13 April 1853.
14. GLOBE, 26 April 1853.
15. MORNING CHRONICLE, 13 April 1853.
16. GLOBE, 26 April 1853.
17. MORNING CHRONICLE, 13 April 1853.
18. GLOBE, 26 April 1853.
19. MORNING CHRONICLE, 13 April 1853.
20. GLOBE, 26 April 1853.
21. MORNING CHRONICLE, 13 April 1853.
22. GLOBE, 26 April 1853.
23. IBID.
24. IBID.
25. IBID.
26. MORNING CHRONICLE, 13 April 1853.
27. GLOBE, 26 April 1853.
28. MORNING CHRONICLE, 13 April 1853.
29. GLOBE, 26 April 1853.
30. MORNING CHRONICLE, 13 April 1853.
31. GLOBE, 26 April 1853.
32. MORNING CHRONICLE, 13 April 1853.
33. GLOBE, 26 April 1853.
34. MORNING CHRONICLE, 13 April 1853.
35. GLOBE, 26 April 1853.
36. MORNING CHRONICLE, 13 April 1853.
37. GLOBE, 26 April 1853. HAMILTON SPECTATOR DAILY, 11 April 1853, reports Mr. Hincks' accusation of conspiracy as coming "after ... some observations ... by Messrs. Cauchon and Brown," but all full accounts of the debate place it here.
38. MORNING CHRONICLE, 13 April 1853.
39. GLOBE, 26 April 1853.
40. MORNING CHRONICLE, 13 April 1853.
41. GLOBE, 26 April 1853.
42. IBID.

43. MORNING CHRONICLE, 13 April 1853.
44. GLOBE, 26 April 1853.
45. MORNING CHRONICLE, 13 April 1853.
46. GLOBE, 26 April 1853.
47. MORNING CHRONICLE, 13 April 1853.
48. GLOBE, 26 April 1853.
49. MORNING CHRONICLE, 13 April 1853.
50. GLOBE, 26 April 1853.
51. MORNING CHRONICLE, 13 April 1853.
52. GLOBE, 26 April 1853.
53. MORNING CHRONICLE, 13 April 1853.
54. GLOBE, 26 April 1853.
55. MORNING CHRONICLE, 13 April 1853.
56. GLOBE, 26 April 1853.
57. MORNING CHRONICLE, 13 April 1853.
58. GLOBE, 26 April 1853. From this point on, the GLOBE, 26 April 1853, is made increasingly illegible by its close binding. Words in square brackets are conjectural readings of the invisible section of the column.
59. MORNING CHRONICLE, 13 April 1853.
60. GLOBE, 26 April 1853.
61. MORNING CHRONICLE, 13 April 1853.
62. GLOBE, 26 April 1853.
63. MORNING CHRONICLE, 13 April 1853.
64. GLOBE, 26 April 1853.
65. MORNING CHRONICLE, 13 April 1853.
66. GLOBE, 26 April 1853.
67. MORNING CHRONICLE, 13 April 1853.
68. GLOBE, 26 April 1853.
69. MORNING CHRONICLE, 13 April 1853.
70. IBID.
71. MORNING CHRONICLE, 13 April 1853. The last sentence of Mr. Street's speech as here reported was attributed to Mr. Cartier by the MONTREAL GAZETTE, 18 April 1853, but the GLOBE, 26 April 1853, though nearly illegible at this point, supports the attribution to Mr. Street.
72. MORNING CHRONICLE, 13 April 1853.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. GLOBE, 26 April 1853.
81. MORNING CHRONICLE, 13 April 1853.
82. GLOBE, 26 April 1853.
83. IBID.
84. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 20 April 1853, NORTH AMERICAN SEMI-WEEKLY, 29 April 1853, and NORTH AMERICAN WEEKLY, 5 May 1853. The debate was also reported by GLOBE, 26 April 1853 (which was virtually illegible). A pamphlet, Débats dans l'assemblée législative sur la tenure seigneuriale (Québec: E.R. Fréchette, 1853), has also been used in the reconstruction of this debate. See footnote 1 to 22 March 1853 for a full account of this pamphlet.
85. PAMPHLET.
86. MORNING CHRONICLE, 20 April 1853.
87. PAMPHLET.

88. MORNING CHRONICLE, 20 April 1853.
89. PAMPHLET.
90. MORNING CHRONICLE, 20 April 1853.
91. IBID.
92. PAMPHLET.
93. MORNING CHRONICLE, 20 April 1853.
94. PAMPHLET.
95. IBID.
96. IBID.
97. MORNING CHRONICLE, 20 April 1853.
98. PAMPHLET.
99. MORNING CHRONICLE, 20 April 1853.
100. PAMPHLET.
101. MORNING CHRONICLE, 20 April 1853.
102. PAMPHLET.
103. MORNING CHRONICLE, 20 April 1853.
104. PAMPHLET.
105. MORNING CHRONICLE, 20 April 1853.
106. PAMPHLET.
107. MORNING CHRONICLE, 20 April 1853.
108. PAMPHLET.
109. IBID.
110. IBID.
111. MORNING CHRONICLE, 20 April 1853.
112. PAMPHLET.
113. MORNING CHRONICLE, 20 April 1853.
114. PAMPHLET.
115. MORNING CHRONICLE, 20 April 1853.
116. PAMPHLET.
117. MORNING CHRONICLE, 20 April 1853.
118. IBID.
119. IBID.
120. IBID.
121. PAMPHLET.
122. IBID.
123. IBID.
124. PAMPHLET. MORNING CHRONICLE, 20 April 1853, quotes Mr. Viger as affirming that "the agitation was not against the tenure itself but to reduce the rents."
125. PAMPHLET.
126. MORNING CHRONICLE, 20 April 1853.
127. PAMPHLET.
128. MORNING CHRONICLE, 20 April 1853.
129. PAMPHLET.
130. MORNING CHRONICLE, 20 April 1853.
131. PAMPHLET.
132. MORNING CHRONICLE, 20 April 1853.
133. PAMPHLET.
134. MORNING CHRONICLE, 20 April 1853.
135. IBID.
136. PAMPHLET.
137. MORNING CHRONICLE, 20 April 1853.
138. PAMPHLET.
139. MORNING CHRONICLE, 20 April 1853.
140. PAMPHLET.
141. MORNING CHRONICLE, 20 April 1853.
142. PAMPHLET. The MORNING CHRONICLE reporter, who had difficulty understanding

Mr. Lacoste, reported that he "argued in favor of a forced commutation but otherwise approved of the principles on which the bill of the Attorney General were founded."

- 143. MORNING CHRONICLE, 20 April 1853.
- 144. IBID.
- 145. IBID.
- 146. IBID.
- 147. PAMPHLET.
- 148. MORNING CHRONICLE, 20 April 1853.
- 149. PAMPHLET.
- 150. MORNING CHRONICLE, 20 April 1853.
- 151. IBID.
- 152. IBID.
- 153. IBID.
- 154. MORNING CHRONICLE, 20 April 1853, and the PAMPHLET both reported 29 nays.
- 155. GLOBE, 26 April 1853.
- 156. IBID.

PROPER NAME INDEX

INTRODUCTION

The Index is limited to the names of the men who sat in the Canadian Assembly in 1853. It generally excludes the names of all other persons, such as people mentioned in debates, witnesses testifying before the House in Committee of the Whole, or messengers such as Félix Fortier, Clerk of the Crown in Chancery, who at one time or another addressed the House from within the Bar. However, because of its length and importance, the Address of Christopher Dunkin, M.A. Advocate, at the Bar of the House has been included in this Index. It does exclude the names of people merely mentioned in the House, such as those whose testimony before Select Committees was reported or referred to in the JOURNALS, and signatories to Petitions presented whose names are noted in connection with various kinds of legislation.

The decision to limit the Proper Name Index to members of the Assembly was made necessary by the fact that in 1853 the other names number in the thousands, so that their sheer bulk makes it impossible to include them. In addition, every piece of legislation or testimony with which these names are associated is always indexed under subject references. To summarize, the Proper Name Index refers to every occasion when a member proposed or seconded a motion during debates, and to every other time he addressed the House or took the chair of the House in Committee of the Whole. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the Subject Index.

This Index refers only to Part III of Volume XI. The continuation of the Proper Name Index will be included at the end of Part IV, followed by an Index of the Subjects in Volume XI, Part IV.

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